

OPENING UP OF THE BAD AROLSEN HOLOCAUST ARCHIVES IN GERMANY

HEARING BEFORE THE SUBCOMMITTEE ON EUROPE OF THE COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES ONE HUNDRED TENTH CONGRESS

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CONTENTS

	Page
WITNESSES	
The Honorable Alcee Hastings, Chairman, Commission on Security and Co- operation in Europe, U.S. House of Representatives	3
Mr. J. Christian Kennedy, Special Envoy for Holocaust Issues, Bureau of European and Eurasian Affairs, U.S. Department of State	9
Mr. Paul Shapiro, Director, Center for Advanced Holocaust Studies, United States Holocaust Memorial Museum	17
Mr. David Schaecter, President, Holocaust Survivors Foundation USA, Inc.	23
Mr. Leo Rechter, President, National Association of Jewish Holocaust Sur- vivors (NAHOS)	30
LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING	
The Honorable Robert Wexler, a Representative in Congress from the State of Florida, and Chairman, Subcommittee on Europe: Prepared statement	2
The Honorable Alcee Hastings: Prepared statement	5
Mr. J. Christian Kennedy: Prepared statement	10
The Honorable Elton Gallegly, a Representative in Congress from the State of California: Prepared statement	15
Mr. Paul Shapiro: Prepared statement	18
Mr. David Schaecter: Prepared statement	25
Mr. Leo Rechter: Prepared statement	33
APPENDIX	
The Honorable Alcee Hastings: Material submitted for the record	47

OPENING UP OF THE BAD AROLSEN HOLOCAUST ARCHIVES IN GERMANY

WEDNESDAY, MARCH 28, 2007

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON EUROPE,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 1:35 p.m., in room 2255, Rayburn House Office Building, Hon. Robert Wexler (chairman of the subcommittee) presiding.

Mr. WEXLER. Good afternoon. The Subcommittee on Europe will come to order. I want to welcome everyone for this timely hearing on American and international efforts to open the Bad Arolsen Holocaust Archives in Germany. I want to welcome our distinguished witnesses, including my good friend and colleague from Florida, the chairman of the Helsinki Commission, Alcee Hastings. Chairman Hastings has led the effort in Congress to open the Bad Arolsen Archives, ensuring that Holocaust survivors in our State of Florida and across the world have unfettered access to the most extensive Holocaust archives in existence.

I also want to welcome J. Christian Kennedy, the State Department's special envoy for Holocaust issues; Mr. Paul Shapiro, director of the Center for Advanced Holocaust Studies, United States Holocaust Memorial Museum; Mr. David Schaecter, President of the Holocaust survivors Foundation, USA, and Leo Rechter, President of the National Association of Jewish Holocaust Survivors.

The horrors of the Second World War came to an end over 60 years ago, but sadly, there are aspects of this dark period in history that remain unresolved. Most notably, the archives held in Bad Arolsen, Germany have, for the better part of 60 years been inaccessible to Holocaust survivors, researchers and institutions.

The Bad Arolsen Archive is believed to contain between 35 million and 50 million reference files documenting the more than 17 million people who passed through the concentration camps and forced-labor camps of the Third Reich. The archives contain information pertaining to Schindler's List, Anne Frank's deportation and 3.5 million testimonies of survivors explaining their harrowing experience.

The information at Bad Arolsen was originally collected and maintained to help reunite non-German families separated during the war and trace missing family members. Countless files and documentation from across Germany were relocated to Bad Arolsen by allied forces after World War II. Shortly after the end of the war. The Bonn Accord treaty was signed by 11 nations, including the

United States, forming an international commission to govern the International Tracing Service (ITS), which was charged with maintaining the massive Nazi archives.

Regrettably, many families seeking critical information from the ITS receives incomplete responses sometimes years after their requests were submitted, and often the information was inadequate. Following public pressure from Holocaust survivors and researchers who disagreed with cutting off access to the archives, ITS Commission members declared themselves in favor of opening up Bad Arolsen in 1998. Unfortunately, that declaration was an empty gesture and it took until May 2006 before the International Commission declared that it would take the legal steps necessary to open the archives.

Currently, only 5 out of 11 commission members, including the United States, Israel, Poland, United Kingdom, and the Netherlands have ratified the necessary treaty changes. Unfortunately, six countries have not ratified the treaty, and I urge the Governments of Germany, Luxembourg, France, Greece, Italy and Belgium to adopt this amendment immediately.

It is unconscionable that Holocaust survivors and their families are facing this delay and are met with bureaucratic red tape when they seek to trace the true events of their families' history. Shamefully, many survivors die each year without knowing the details of family members' deportation, incarceration, or death. The international community has a moral obligation to address the injustice.

[The prepared statement of Mr. Wexler follows:]

PREPARED STATEMENT OF THE HONORABLE ROBERT WEXLER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA, AND CHAIRMAN, SUBCOMMITTEE ON EUROPE

I want to welcome everyone for this timely hearing on American and international efforts to open the Bad Arolsen Holocaust Archives in Germany. I want to welcome our distinguished witnesses, including my good friend and colleague from Florida, the Chairman of the Helsinki Commission, Alcee Hastings. Chairman Hastings has led the effort in Congress to open the Bad Arolsen Archives, ensuring that Holocaust Survivors in our state of Florida and across the world have unfettered access to the most extensive Holocaust archives in existence.

I also want to welcome J. Christian Kennedy, the State Department's Special Envoy for Holocaust issues; Mr. Paul Shapiro Director of the Center for Advanced Holocaust Studies United States Holocaust Memorial Museum; Mr. David Schaefer, President of the Holocaust Survivors Foundation USA; and Mr. Leo Rechter, President of the National Association of Jewish Holocaust Survivors (NAHOS).

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The Bad Arolsen Archive is believed to contain between 35 and 50 million reference files documenting the more than 17 million people who passed through the concentration camps and forced-labor camps of the Third Reich. The archives contain information pertaining to Schindler's List, Anne Frank's deportation and 3½ million testimonies of survivors explaining their harrowing experience.

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Regrettably, many families seeking critical information from the ITS received incomplete responses sometimes years after their requests were submitted, and often the information was inadequate.

Following public pressure from Holocaust survivors and researchers who disagreed with cutting off access to the archives—ITS commission members declared themselves in favor of opening up Bad Arolsen in 1998. Unfortunately, that declaration was an empty gesture and it took until May of 2006—before the International Commission declared that it would take the legal steps necessary to open the archives.

Currently only five out of eleven Commission members including, the United States, Israel, Poland, United Kingdom and the Netherlands have ratified the necessary treaty changes. Unfortunately, six countries have not ratified the treaty and I urge the governments of Germany, Luxembourg, France, Greece, Italy and Belgium to adopt these amendments immediately.

It is unconscionable that Holocaust Survivors and their families are facing this delay and are met with bureaucratic red tape when they seek to trace the true events of their families' history. Shamefully, many survivors die each year without knowing the details of family members' deportation, incarceration or death. The international community has a moral obligation to address this injustice.

I want to call upon the Ranking Member Mr. Gallegly for his opening remarks.

Mr. WEXLER. I ordinarily would ask Mr. Gallegly for his opening remarks; I would be happy to defer to Mr. Inglis if he would like to make a statement and then we will move to our witnesses.

Mr. INGLIS. I am just happy to be here Mr. Chairman, I am sure that Mr. Gallegly will want to add something when he arrives.

Mr. WEXLER. Fair enough. And I thank Mr. Inglis for being a part of this hearing. He is very interested and engaged, and I very much respect the fact that he is here.

I would like to now introduce our first panel of witnesses for today's hearings. The Honorable Alcee Hastings, Congressman for the 23rd District of Florida since 1992. Prior to his current position, Mr. Hastings distinguished himself as an attorney and civil rights activist and was the first African American Federal judge in the State of Florida.

In the House of Representatives, Mr. Hastings is a senior member of the House Permanent Select Committee on Intelligence and the Committee on Rules. We have asked Mr. Hastings here today to testify as the chairman of the Commission on Security and Cooperation in Europe, also referred to as the Helsinki Commission. And as I mentioned earlier, it is Mr. Hastings who has been the singular leader—the single leader on this issue and we are very pleased, Alcee, that you could be with us.

Our second witness is Mr. J. Christian Kennedy, Special Envoy for Holocaust Issues at Department of State since August 2006. His office is responsible for restitution and claims issues resulting from the Holocaust, such as providing assistance to Holocaust survivors and their families. His office also develops policies and programs to counter anti-Semitism by working with European governments and nongovernmental organizations. Since joining the foreign service in 1980, Mr. Kennedy has served in Poland, Mexico, Panama and Colombia, to name a few.

I would ask Mr. Hastings at this point to begin his opening remarks.

STATEMENT OF THE HONORABLE ALCEE HASTINGS, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES

Mr. HASTINGS. Thank you very much Mr. Chairman. Mr. Chairman, it is a real honor to be here with Mr. Kennedy and with oth-

ers in the audience that I have been familiar with throughout the years, including many of the Holocaust survivors with us today.

Mr. Chairman, and distinguished members, while I am very pleased to be here with you, I know that both of you know that this issue is of the utmost importance and therefore belaboring it with my extended comments would not cause you to be able to get on with your work. So I will take a short time just to make a few points.

A more detailed plan of action is elaborated in my written testimony, which I have submitted to the committee, and ask unanimous consent Mr. Chairman that it be accepted.

Mr. WEXLER. Certainly.

Mr. HASTINGS. I come before you this afternoon wearing two hats. One representing the people of Florida's 23rd Congressional District, which joins my good friend and colleague of long-standing, Mr. Wexler's district. A lovely area of this country in Florida. And I also wear my hat as chairman of the United States Commission on Security and Cooperation in Europe, the Helsinki Commission. I am encouraged by the recent movement made by member countries of the International Tracing Service toward opening up the Holocaust Archives. But let me be clear. It is beyond shameful that 62 years after the end of the world war, the Holocaust Archives located in Bad Arolsen remain the largest closed World War II era archive in the world.

Now, I have been troubled in recent months by those who have argued diplomacy over justice and urgency when finding a solution to this problem. With all due respect, the time line should not be geared for diplomats, it should be a survivors' time line.

Think about it. If the amendments are not ratified by next year, already 10 percent of the remaining survivors will be dead. Given the short time left for Holocaust survivors, it is critical that all commission members immediately consent to open the ITS archives, even if all the countries do not ratify the amendments by the commission's upcoming May meeting. It is time to stop hiding and let our survivors see what we already know.

I take great pride in the work the Helsinki Commission has accomplished in the past with regards to this issue, and I might add, on a bipartisan basis, in light of the fact that the commission has been led by the now minority, my Republican colleagues on the commission, for the last 12 years.

The commission has a long interest in supporting openness and access to Holocaust records. And just for yours and Mr. Inglis' purposes, if I could take a moment of personal pride, Mr. Chairman. The anti-Semitism conferences that have been held in Europe, the prime movers of that particular set of conferences came through the Helsinki Commission and the parliamentary assembly of OSCE. But the prime movers were now Senator Ben Cardin, myself, Steny Hoyer, the majority leader, Chris Smith, who at that time was chairman of the Helsinki Commission, and a Senator from Canada whose name is Jerry Gradstein, and a member of the German Bundestag, who I had the privilege of appointing as special representative of the PA on anti-Semitism, Gert Weiskirchen.

As president emeritus of the organization, I am acutely aware of the prevalence of the worldwide anti-Semitism and the need to

eradicate this type of bigotry. I will be attending, and I invite you, Mr. Chairman, and other members of the committee to join me in Bucharest, Romania, for a conference that will be held in June on the 6th and 7th on anti-Semitism. One of my greatest achievements to date has been helping to transform the OSCE into this kind of forum to combat anti-Semitism and other forms of intolerance.

As the chairman knows, he and I, along with Congressman Mark Kirk, our Republican colleague from Illinois, have made several efforts to expedite the process of opening these archives over the past month. We have written on numerous occasions to countries who have yet to open these archives.

If I could, I would like to ask that the responses we received, Mr. Chairman, from five different countries to be inserted into the record with your permission.

Mr. WEXLER. Yes, without objection.

Mr. HASTINGS. Most recently, you Chairman Wexler, Congressman Kirk and I introduced bipartisan legislation on this topic. This resolution was marked up and reported out by the full Foreign Affairs Committee just yesterday. And I thank the chairman and others for making this happen.

These archives are a testament and a memorialization of the suffering and bravery that unites all Holocaust victims of all ethnic communities. Let us resolve to act promptly to provide this information and not waste the precious time left for the remaining survivors.

Mr. Chairman, I would like to thank your staff and two of my staffers, Eve Lieberman, David Goldenberg and a third, Fred Turner, who have worked with me actively on these issues. I was thinking of my limited German, "Bad Arolsen" is the German pronunciation. But my street pronunciation would be "bad" Arolson. It is bad that we are in this situation. And these countries can relieve the Holocaust victims and I urge them to do so.

Thank you so very much Mr. Chairman. And I look forward to any questions or thoughts that you, Mr. Inglis or other members may have.

[The prepared statement of Mr. Hastings follows:]

PREPARED STATEMENT OF THE HONORABLE ALCEE HASTINGS, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES

Mr. Chairman, Members of the Committee:

Thank you, Mr. Chairman and Members of the Committee. I am very pleased to be here with you today to discuss an issue of the utmost importance, the opening of the Holocaust archives in Bad Arolsen, Germany.

I come before the Committee this afternoon wearing two hats: one representing the great people of Florida's 23rd Congressional District and the other as Chairman of the United States Commission on Security and Cooperation in Europe (Helsinki Commission).

As Chairman of the Helsinki Commission, with Senator Benjamin L. Cardin (D-MD) serving as my co-chair, and as a Member of Congress representing one of the largest Holocaust survivor populations in the United States, I am encouraged by the recent movement made by member countries of the International Tracing Service (ITS)—the body established after World War II (WWII) to use these records to help with family reunification—toward opening up the Holocaust archives.

But let me be clear, opening up the Holocaust archives soon or on some similar vague timeline is not acceptable for me, my constituents, or the rest of the Holocaust survivors and families and researchers around the world. It is a moral and

humanitarian imperative to permit Holocaust survivors and their families' immediate access to the millions of Holocaust records housed there. The issue is as clear cut as right and wrong, moral and immoral, just and unjust.

Incredibly, 62 years after the end of the Second World War, the Holocaust archives located in Bad Arolsen remain the largest closed Second World War-era archives in the world.

As many of you know, in May 2006, the ITS agreed to amend the 1955 Bonn Accords to allow each Commission member to receive a digitized copy of the archives and make them available to researchers. However, two obstacles currently impede the way for allowing for open access to these important archives:

- 1) Each of the 11 member states of the International Commission of the International Tracing Service must individually ratify through their respective domestic legal systems the May 2006 changes to the 1955 Bonn Accords; and
- 2) Short of ratification, the process of digitization and data-basing of the documents needs to be completed. Following this, receiving institutions still need to integrate the data.

To date, only the United States, Israel, Poland, the Netherlands and the United Kingdom have ratified the changes, with the United Kingdom doing so just last week. Despite these positive developments, however more than half of the signatories have yet to ratify the necessary changes.

Among the 6 states which have yet to approve the agreements, Germany has stated publicly that it expects to do so by April, and Belgium and Luxembourg appear to be following suit. I sincerely hope this is the case, and will closely follow developments in this regard.

Although they expect to ratify in the fall, the status of France, Italy, and Greece remains unclear. These countries have not yet given a commitment to an expeditious ratification process. Let this hearing serve as a reminder to all countries that we are watching them to ensure they fulfill their obligations under the signed amendments to the Bonn Accords.

Frankly, it is beyond shameful that we are still having to address these injustices generations after the concentration camps of Europe were liberated.

I have been troubled in recent months by those who argue diplomacy and patience over sensitivity, justice and urgency when finding a solution to this problem. With all due respect, the timeline should not be geared for Diplomats—it should be a survivor's timeline. If the amendments are not ratified by next year, already 10% of the remaining survivors will be dead. That, my colleagues, is the harsh reality of the situation.

In the Holocaust's aftermath, there have been far too many instances of survivors and descendants of Holocaust victims being refused their moral and legal right to information for restitution purposes, slave labor compensation, and simple personal closure. Allowing nations to sit on their hands while the remaining few Holocaust survivors and their families await the release of these crucial documents is entirely unreasonable. If it is not crystal clear already, inaction is intolerable.

I take great pride in the work the Helsinki Commission has accomplished in the past with regards to this issue. The Commission has a long interest in issues relating to the Holocaust era and, in particular, supporting openness and access to records and archives.

Mr. Chairman, prior to 1990, there was a great deal of unique archival material related to the Holocaust that lay behind the Iron Curtain. In the early 1990s, with the fall of communism and the regime changes that swept across Eastern Europe, the hope emerged that even after all those decades critical material might be made accessible for scholarly examination and research and could contribute new understanding and insights into the terrible events of World War II.

Accordingly, in 1991, the Organization for Security and Cooperation in Europe (OSCE) participating States agreed in Kraków to "strive to preserve and protect those monuments and sites of remembrance, including most notably extermination camps, and the related archives, which are themselves testimonials to tragic experiences in their common past. *Such steps need to be taken in order that those experiences may be remembered may help to teach present and future generations of these events, and thus ensure that they are never repeated.*" There are now 56 OSCE participating States, including every country in Europe, that have adopted this commitment, and this commitment continues to frame the Helsinki Commission's dialogue on these issues with our European friends—particularly when we are concerned that access to important Holocaust archives appears unduly slow or unreasonably impeded.

Last year, on July 17, 2006, the Helsinki Commission and the Congressional Task Force against Anti-Semitism held a staff briefing with then State Department Spe-

cial Envoy for Holocaust Issues Edward O'Donnell and Paul Shapiro, Director of Advanced Holocaust Studies at the U.S. Holocaust Memorial Museum to raise Congressional awareness over this issue.

As the President Emeritus of the Organization for Security and Cooperation in Europe Parliamentary Assembly (OSCE PA), the world's most important human rights organization, and as someone who has traveled extensively across the globe, I am acutely aware of the prevalence of worldwide anti-Semitism and the need to eradicate this type of bigotry. I am exceedingly proud that Professor Gert Weiskirchen of the German Bundestag and I had the political will and effort to serve as catalysts in establishing the OSCE's historic 2004 international conference in Berlin on anti-Semitism. To date, this has been one of my greatest achievements—helping transform the OSCE into a forum to combat anti-Semitism, racism, xenophobia, and other forms of intolerance.

The OSCE has continued to be a leading international force to rid the world of anti-Semitism. The OSCE as a whole has unanimously passed several resolutions condemning this intolerance. Most significantly, the OSCE has held several high-level conferences on anti-Semitism. By speaking in one voice, parliamentarians from Vancouver to Vladivostok sent a clear unequivocal message that this evil and other forms of hate will not be tolerated in our societies.

The archives in Bad Arolsen, Germany hold 50 million pages of WWII and post-war concentration, labor and displaced persons camp records that disclose the fate of some 17.5 million individual victims of the machinery of persecution, forced labor, death marches, displacement and genocide. These documents contain the shocking details of the Holocaust and the historical personal narratives of persecuted peoples.

Originally, the International Tracing Service was established to aid in family reunification. But its records are now used to substantiate benefit claims by Holocaust survivors and their heirs to give definitive information on the victims and survivors. Legally, the archives operate under two 1955 agreements (the Bonn Accords) among the Commission member states and between the Commission and the International Committee of the Red Cross (ICRC) which manages ITS operations.

For the past decade, Holocaust researchers and most survivors who have sought to access the Bad Arolsen archive have been unsuccessful. The ITS Commission argued—unpersuasively, in my view—that opening the archives would violate the privacy of the survivors and their families. It should be noted that survivors, by and large, do not share these concerns. Sadly, once access was finally granted, survivors and their families who requested information have faced cumbersome delays and occasional unresponsiveness from the ITS. As a result of the distressing experience some survivors had in past dealings with the ITS, many survivors now lack confidence that new inquiries will be answered.

In May 2006, as a result of the pressure exerted through the media, diplomacy and by Holocaust victims and their families on the ITS, the Commission finally agreed to amend the Bonn Accords. The treaty as amended would allow researchers to use the archives while granting each Commission member a digitized copy of the archives to make them available to researchers under their own country's respective archival and privacy laws and practices. Unfortunately, these measures have not gone into practice because the majority of the member countries have failed to ratify the amendments, and it remains far from clear when they will do so.

Once finally ratified, two major hurdles regarding readying the materials for public use still remain:

1. The digitization and data-basing of over 40% of the documents remains incomplete and will not be ready for at least another year; and
2. Receiving institutions such as the U.S. Holocaust Memorial Museum and Israel's Yad Vashem memorial still need several months to integrate the already digitized materials. Consequently, even if all countries ratify the agreements by this fall, the materials will still remain inaccessible to survivors and researchers.

Given the short time left for Holocaust survivors I urge the Commission members to unanimously consent to open the ITS archives even if all the countries do not ratify the amendments by the Commission's upcoming May meeting.

Many of the Commission's member states have taken significant steps since the May 2006 meeting to expedite the process of ratification and allow for the digitization of the archived materials. The advancements made recently are largely due to the United States Holocaust Museum and the United States State Department. I am grateful for their diplomatic efforts which have proved so fruitful at the last meeting. But until the amendments are ratified by all 11 states, the treaty obligations remain unfulfilled.

Since first being made aware of these delays, I and others took action to expedite the process of opening up these vital Holocaust archives. On January 29, 2007, I, along with Subcommittee of Europe Chairman Robert Wexler and 48 members of Congress, sent a bipartisan letter to the German ambassador urging Germany's leadership on ratification. Additionally, we urged Germany to assist in facilitating the digitization process and prompt release of the already digitized archival materials in advance of the ratification of the amendments. Finally, as the country that houses the archives and is legally bound to fund the ITS, we requested that Germany assist in providing additional funding to enable the digitization process to proceed with greater speed. While I can not speak for my colleagues, I appreciate the leadership Germany has shown in recent months in achieving these goals.

On February 1, 2007, Chairman Wexler, Congressman Mark Steven Kirk, and I led 43 bipartisan members of Congress in sending a letter to several Commission Member States which have made the least progress in implementing the improvements to the Bonn Accords—France, the United Kingdom, Belgium, Italy, and Greece. Our appeal for expedited ratification received positive responses from all of the countries. Since we sent these letters, the United Kingdom has ratified the treaty.

Finally, most recently, on March 13, 2007, I, along with Chairman Wexler and Congressman Kirk introduced bipartisan legislation urging all member countries of the ITS to ratify the May 2006 Amendments to the 1955 Bonn Accords Treaty and to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany. The resolution has been marked up by the Committee on Foreign Affairs just yesterday.

Mr. Chairman, it is imperative that all of the mechanics necessary be in place to move forward with the digitization, data-basing, and other necessary steps to prepare these records for release. Moreover, every ITS member state must take whatever steps are necessary under their own national laws to bring the amended Bonn Accords into force so that we can start releasing this material as it does begin to come on-line in June.

These states have an opportunity before the ITS May 2007 meeting to fulfill their previous pledges. At the very least, regardless of the state of formal ratification, the ITS should release these documents as soon as the technical experts have them ready for release. It is my hope that the ITS will begin formal preparations for open access to the archives at the May meeting even if some countries continue to lag on the ratification process.

The fact remains that all of the countries which are in some stage of the ratification process have formally signed the amendments to the Bonn Accords. Allowing archival access even if the final steps of formal ratification are still in play is a step that is completely consistent with fulfilling the objective and purpose of the proposed changes to the Bonn Accords and is completely consistent with international law.

In less than a month, we will commemorate the 62nd anniversary of the Holocaust Remembrance Day. It is my sincere hope that we will finally bring to a close this dark chapter in world history before the 63rd anniversary.

Incredibly, there are those who still seek to deny the greatest tragedy of the Jewish people. Just last December, for the second time in one year, Iranian President Ahmadinejad hosted an international Holocaust denial conference. Notwithstanding the other aforementioned reasons to open the archives with the utmost haste, we must also open them to demonstrate that the world has not turned a blind eye to President Ahmadinejad's and other worldwide leaders' anti-Semitic public acts and statements.

These archives are a testament and a memorialization of the suffering and bravery that united all Holocaust victims of all ethnic communities. These archives contain information about life and death for millions of individuals.

It is imperative that while survivors still remain among us, Holocaust researchers gain access now so that they can benefit in their scholarly work from the insights of eyewitnesses. As the few remaining survivors pass away, they are being deprived of information concerning their loved ones. Let us resolve to act promptly to provide this information and not waste the precious time left for the remaining survivors. There is no time for further delay.

Thank you very much.

Mr. WEXLER. Thank you, Mr. Hastings.
Mr. Kennedy.

**STATEMENT OF MR. J. CHRISTIAN KENNEDY, SPECIAL ENVOY
FOR HOLOCAUST ISSUES, BUREAU OF EUROPEAN AND EUR-
ASIAN AFFAIRS, U.S. DEPARTMENT OF STATE**

Mr. KENNEDY. Thank you very much, Mr. Chairman, distinguished members of the committee, Mr. Hastings, ladies and gentlemen. Thank you for this opportunity to testify about the International Tracing Service or the ITS as we call it. In my oral testimony, I would like to summarize the statement that I submitted for the record.

Congress, the State Department, the United States Holocaust Memorial Museum, survivors, historical researchers and the media have all played key roles in advancing the idea of greater access to ITS information stored at Bad Arolsen, Germany. ITS is the largest collection in the world of concentration camp, slave labor and displaced persons' records and was founded to help family reunification. The need now, however, is for survivors, descendants, and victims and researchers to have greater and easier access to the ITS's archival holdings.

For years, the United States has pushed for greater access. In April 2006, German Justice Minister Zypries pledged her government's support for greater access here in Washington following her visit to the Holocaust Museum.

Since May of last year, all 11 members of the ITS International Commission have signed the amendments to the Bonn accords that would permit greater access to the information. The United States has delivered demarches at very high levels to all countries involved. The United States and Germany have launched a round of joint demarches that is underway right now urging prompt internal approval and advanced release of digital copies of the Bad Arolsen data. The Netherlands, the current chair of the commission, has also played a leading role.

Five countries, as has been noted, have completed their internal process of approving the amendments. The United States, Israel, Poland, the Netherlands and the United Kingdom. Germany will finish its process in April. The other five have launched their processes, all of which require parliamentary action. We are hopeful that all countries will finish this second and final step this year.

Ambassadors and foreign officials in several countries have told me that they do not want their country to be the last one to approve. There is positive momentum building.

As urgent as internal approval in each country is, an advanced technical copy of the data has become equally vital. The advanced technical copy and early release of Bad Arolsen data will be a prime objective for the U.S. delegation and others at the ITS Commission meeting in May.

This advanced copy of the digitized records will let national repositories like the Holocaust Museum harmonize Bad Arolsen's data with their computer systems. This task may take as long as 6 months, and that is why we want to move it up as fast as we can.

We want to move rapidly so that survivors can have some closure, survivors and researchers can corroborate facts together. Let me give you a short example of why this last item is so important.

Mickey Schwartz, a Holocaust survivor, reviewed his records last December on the TV program, *60 Minutes*. Reviewing deportation lists, he discovered that he had been saved from near certain death at Dora Labor Camp because the Nazi authorities at Buchenwald decided to treat him for medical problems so that they could use him later and for longer at Dora.

In the meantime, allied advances saved him from the final trip to Dora where he would have been employed making Hitler's super weapons, a job where a young person's small hands were useful. If Mr. Schwartz had not seen his records and researchers pieced his story together, these kinds of telling glimpses into the Nazi death machine would be lost to history.

Thank you, Mr. Chairman, I will be happy to answer any questions.

[The prepared statement of Mr. Kennedy follows:]

PREPARED STATEMENT OF MR. J. CHRISTIAN KENNEDY, SPECIAL ENVOY FOR HOLOCAUST ISSUES, BUREAU OF EUROPEAN AND EURASIAN AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. Chairman, Distinguished Members of the Committee, Ladies and Gentlemen, I would like to start my remarks by thanking the Committee for holding this important hearing. Congress's interest in the International Tracing Service (ITS) has greatly contributed to our progress to date in opening the ITS archive for research purposes. It has also helped to give the ITS the international media and political attention that it needs and deserves.

Since its establishment as an international entity in 1955, the ITS has operated under two agreements, known collectively as the Bonn Accords. The first agreement is among the United States and ten other countries which together comprise the ITS Commission, and the second is between the Commission and the International Committee of the Red Cross (ICRC), which manages ITS operations. In addition to the United States, the Commission is comprised of Belgium, France, Germany, Greece, Israel, Italy, Luxembourg, the Netherlands, Poland, and the United Kingdom.

Located at Bad Arolsen, Germany, the ITS has a huge and unique collection totaling approximately thirty million pages of concentration camp, labor camp and displaced persons camp records covering the pre-war, World War II and post-war periods. Over seventeen million names appear in these archives. The ITS was set up in 1943 to aid in family reunification. Starting in the 1950s, survivors and their heirs have relied on documents in the ITS archives to substantiate benefit claims. Since 2001, the emphasis has been on documentation to support compensation claims for slave and forced labor as provided in the agreement that created the German foundation, "Remembrance, Responsibility and the Future." Those tasks are now essentially complete.

For at least the past decade, survivors and descendants of victims have sought access to the ITS archive to gain a measure of closure for their own personal tragedies. Holocaust researchers have also been eager to access the information to illuminate further the nature and workings of the Nazi regime and its genocide machine and to maximize the value of information in the archives by linking it with recollections of survivors while they are still living.

The United States strongly supported all of these objectives, and spearheaded the effort to open the ITS archive as soon as possible to survivors, descendants and researchers. The United States took the position that no changes to the Bonn Accords were necessary in order to open the archives, and urged the International Commission to direct that this be done. A growing number of Commission member states joined the United States in wishing to open the archives for research, and the Commission itself adopted this as an objective almost ten years ago.

Other members, however, and the former ITS Director, did not share our sense of urgency. They believed that the Bonn Accords did not permit opening the archives and that they could be opened only if the Bonn Accords were formally amended—a process requiring the affirmative agreement of all eleven countries.

Many governments also asserted that privacy concerns made it unwise and possibly illegal to permit access by researchers. In addition, they opposed making a digital copy of the records available in the United States because in their view U.S.

laws did not provide the same measure of protection for sensitive personal information as do European laws. And so efforts to amend the Accords were blocked.

After several years of failed attempts, serious discussions on workable amendments began in 2004, following strongly worded resolutions by the 24-nation International Task Force on Holocaust Education, Remembrance and Research calling for immediate resolution of the access issue. With approximately ten percent of the Holocaust survivor population passing away each year, it was becoming inconceivable and morally wrong to deny them and scholars access to the archives.

You may ask, what finally changed to permit new circumstances for negotiations to move forward? There is no one answer, but certainly coordinated efforts by the State Department, the U.S. Holocaust Memorial Museum, survivors, and Members of Congress played a key role in forcing this issue to a conclusion. International media attention was also an important factor.

With the groundwork carefully prepared both in Washington and Berlin, German Justice Minister Zypries agreed to visit the Holocaust Museum during an April 2006 visit to Washington. After her tour, she made a clear and fundamental statement pledging her government's support for opening up the archives expeditiously, thus generating impetus for other ITS Commission members to follow suit.

Just a month later at its May 2006 meeting in Luxembourg, the International Commission reached agreement on and adopted amendments to the Bonn Accords to permit each Commission member to receive a digitized copy of the entire Bad Arolsen archive. Commission member states would be able to make those copies available, under their respective national privacy laws, to researchers and to survivors and their families. The amendments would also provide for researchers to have direct access to the archives in Bad Arolsen, which will continue to remain open. The access rules for visiting the premises remain under discussion and should be finalized soon. (Americans wishing to make inquiries to Bad Arolsen may do so by writing to The American Red Cross, Holocaust and War Victims Tracing Center located at 4800 Mt. Hope Drive, Baltimore, Maryland 21215, by emailing at hwwtc@arc-cmc.org, or by phoning at (410) 624-2090).

All eleven member countries have now signed the amendments. The next step is confirmation by each country that it has completed its own internal procedures to bring the agreement into force. So far, the United States, Poland, Israel, the Netherlands and the United Kingdom have so notified Germany, the depositary. Germany has assured us that it will complete its process by the end of April. The remaining countries are being called upon to do so by September. This is important because under the formula agreed to last May, the amendments will only come into force when all eleven have formally approved.

The State Department and the Holocaust Museum are working diligently to encourage all countries to accelerate the approval process, with the high-level political attention this issue deserves. Our efforts include close consultations with local Embassy officials in Washington and with senior officials in ITS Commission member capitals. We are working closely with Berlin on ensuring the timely conclusion of this process, including coordinated demarches by the United States and Germany to all other ITS member countries to urge expeditious approval of the amendments and authorization of a technical copy of the electronic data, an issue that I shall return to in a moment. The Dutch Government, as Chair of the ITS Commission until May, is also working to hasten the process. They called a meeting in The Hague earlier this month to take stock on the approval process and to discuss a number of other important issues such as the technical transfer of the data, which is no small feat for a collection of over thirty million documents. The March meeting has paved the way for a number of recommendations to be finalized at the May plenary meeting. I would also like to draw attention to our close working relationship with the new ITS Director, Reto Meister, who is committed to an open and transparent ITS.

Besides formal approval of the amendments, another priority is working towards the technical transfer of the data. If I may, I'd like to take a few minutes to discuss the structure of the ITS so you can have a better appreciation of the work before us.

Since the original purpose of the ITS was to aid in family reunification, the main operating tool through which the ITS staff accessed the documentation was the Central Name Index (CNI), which contains approximately 40 million cards. However, the bulk of the documents, 19,000 separate archival collections, have been organized into three archival groups:

- (I) Documents on Incarceration (concentration camps and prisons)
- (II) War time Documents (on forced labor)

(III) Post War Documents (displaced persons, DP camp records and emigration records)

Group I contains approximately 10 million documents. This group will be ready to be copied and transferred to member states in June, as will the Central Name Index. However, the digitization and archiving of the other two groups are not yet completed. Group II, containing four to five million documents, is approximately 60 percent scanned. Group III, with approximately 14 million pages, is about 30 percent scanned.

While Germany is legally bound to fund the ITS, to increase considerably the pace of digitization would require an infusion of 2.5 million euros (3.2 million USD). At our March meeting in The Hague, Germany promised to commit an additional 1.5 million euros starting in 2008 towards this cause. The ITS Director, however, anticipates there will be a financial shortfall of approximately 250,000 euros in 2007. The U.S. Holocaust Memorial Museum is actively raising private donations to address both this shortfall and costs associated with accelerating the digitization process. Some ITS Commission member states have also indicated a willingness to contribute.

Getting back to the collection of incarceration records (group I) and the Central Name Index, the United States is working with Germany and the Dutch Chair to gain agreement by all ITS Members to allow a technical transfer of the data to repository institutions—in the case of the United States, the U.S. Holocaust Memorial Museum—in June. This is an urgent step, as the Holocaust Museum has informed us that several months will be needed to do the technical work needed to prepare the information for access. During this time, the data at the museum will be closed to the public pending approval of the amendments by all Commission members. Once the amendments enter into force and the technical work is completed, the documents will be accessible. We expect this to happen no later than the end of the year.

If, however, the amendments are not yet in force at that time, we have made clear to other ITS Commission members that the United States believes some kind of provisional application will have to be considered. Our strong preference and the focus of our efforts, however, are to work with all countries to achieve the approval of the Bonn Accords amendments this year.

With the annual meeting of the ITS Commission just seven weeks away, we have our work cut out for us. I expect that at that meeting, we will reach agreement on a number of the technical issues. We will also have a better sense at that point where the approval process stands in each country. I look forward to keeping in touch with you and your staff on our progress.

Thank you again for your interest in this issue. Together, I believe we have certainly impressed upon the other ITS Commission members the importance and urgency of moving quickly, so that repository institutions will be able to provide more rapid access to the information that scholars, survivors and their descendants want in the near future.

I'd like to end with one poignant anecdote. Some of you may recall the 60 Minutes program on the ITS that aired in December 2006. Holocaust survivor Miki Schwartz was brought to Bad Arolsen along with two other gentlemen, the first survivors ever to be allowed access to the ITS.

In reviewing documents related to him, Mr. Schwartz learned for the first time that his name was on a deportation list from Buchenwald to another camp called Dora, an armaments factory responsible for the rockets that rained down on London. Dora was known to be a place where hardly anybody got out alive. Mr. Schwartz was stunned to see his name and one other prisoner's scratched off the list. Another document in the Buchenwald records offered an explanation by indicating he was put in an infirmary that day to recover from an illness. Until seeing these documents, he neither had any idea that he was to be transported, nor that he was spared.

You see, he was a young man and the Nazis likely made a shrewd calculation to provide him medical attention, so that upon recovery he could provide them needed service in a slave labor camp—doing bomb-making work that required small and agile hands. This is the kind of unrecorded example that highlights the importance of opening up the archives to scholars studying the detailed Nazi machinery while they still have the opportunity to corroborate their findings with first hand testimonies of survivors. Otherwise, stories like Mr. Schwartz' and so many others would be lost.

I'd be happy to answer questions you may have.

Thank you.

Mr. WEXLER. Thank you to both witnesses, and I would like to ask both Mr. Kennedy and Mr. Hastings, obviously Mr. Kennedy, in his capacity as the special envoy, and Mr. Hastings, in his capacity as chairman of the Helsinki Commission, two essential things: One, nations that have not implemented the treaty are, for the most part, nations of great civility and strong alliance with the United States. They are certainly responsible nations in many respects. So the question that comes to mind I think to anybody who was to listen is: What is the political dynamic or what is the particular problem as to the delay in their implementation?

And part and parcel to that, earlier this month, if I understand it correctly, the International Commission on Holocaust Era Insurance Claims ended its claim period, no longer accepting any insurance claims relative to the Holocaust survivors. And it would seem at least at first glance, and I was hoping you could shed light on this; we have the most extraordinary set of archives that are yet to be opened. And yet the insurance claims committee has ended its ability to file claims.

What do you anticipate in terms of the prejudice to those who finally do get to review the archives and their inability then to file claims through the process that ended this past month?

Mr. HASTINGS. Mr. Chairman, I would like to take the first part of that question and perhaps Mr. Kennedy can elaborate on both.

You asked about the political dynamic. Let me just draw from letters that were responded to your office and mine and Mr. Kirk's. For example from France, what they say is that the National Assembly has adjourned until June, and unfortunately will not be able to consider this measure before the summer.

Just to talk about the political dynamics, I just spoke with the—before coming here, with the Secretary General Marc DeBrecht, who is French and asked him to ask his government, in his capacity as Secretary General of OSCE, it is not in his portfolio, but he knows these people and I asked him pointedly to raise it and he assured me that he would.

In Belgium, we were told that with regard to the ratification procedure, that the Belgian Council of Ministers have approved of the measure on February 16th and has sent the Project of Ratification Act to the Council of State for advice. And the letter goes on to indicate that this is their standard procedure.

All of them are of the same accord and that is that they would be assuring us that they are actively engaged in setting in motion what they call “complex procedures.” For example Italy says—I think everything in Italy is complex, but nevertheless, they say it is complex procedures. And the Greek authorities I thought had the weakest response to us as far as the politics is concerned, and that is that they “wished to inform us that the issue is under active consideration.” I don't know what that means. I mean, I am disturbed that they have not moved forward.

I am more than pleased that Mr. Kennedy and the good offices of the United States have seen fit to issue the demarches.

And quickly, the second part is if this is not done, it can have serious implications on judicial undertakings and I know of some of those that are ongoing and I see it as serving to cause further

delays for people who deserve active consideration of their issues today.

Mr. KENNEDY. Thank you very much, Mr. Chairman. I think if we look at where we were 11 months ago, we were in a situation that had endured for about 10 years. Now in the last 11 months we have got the amendments in place, every Nation has signed the amendments, which is a commitment to move them forward through the legislative process in each country or through the internal process, not all of them are legislative.

I think that is very positive. What gives me even more hope is that since October of last year, five countries have completed their internal approval process. Germany will do so in April. That will give us a majority of countries then that have approved. And as I said in my oral statement, I have been—I have heard from every other country and each one has officials who express the hope that they will not be the last ones through the door. So I think there is positive momentum on this and that is why I am hopeful this process will be finished by the end of the year.

Mr. WEXLER. Thank you. And to Mr. Kennedy, as I know you know, Mr. Hastings, I, Mr. Kirk and others, are deeply engaged in this process. You are obviously working on it on a daily momentary basis. Please, call upon us to follow up your efforts, supplement your efforts in any way that we can, either with the individual countries or collectively.

Obviously Mr. Hastings is in a unique position of chairing the Helsinki Commission and employ his efforts as much as you can, because there is nobody—nobody in this Congress more devoted to this issue than the gentleman to your right. Please call upon us.

Mr. HASTINGS. Thank you.

Mr. KENNEDY. Thank you very much for that offer, Mr. Chairman.

Mr. WEXLER. With that, Mr. Gallegly, just by way of review, these two fine gentlemen have testified, and I have had the opportunity to ask them one question each. We have another round of witnesses, if you would like to ask these gentlemen a question, I would suggest maybe you do it now. If not, why don't we release them, give you an opportunity to make a statement, and then we can move to the other witnesses.

Mr. GALLEGLY. Well, I appreciate the opportunity to work with you on this issue, Mr. Chairman. This is an issue that we both share a tremendous amount of passion for. But in view of the time and so on, if you would allow me to just place an opening statement in the record, and I would like to at least take just a minute or so to recognize my good friend, Alcee Hastings—and he is my good friend—and ask him maybe one, possibly two questions and then we go on to the next panel.

Mr. WEXLER. Please do.

Mr. GALLEGLY. Without objection, I would like to have the statement placed in the record.

Mr. WEXLER. Without objection.

[The prepared statement of Mr. Gallegly follows:]

PREPARED STATEMENT OF THE HONORABLE ELTON GALLEGLY, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA

Thank you Mr. Chairman.

First, I would like to commend you for holding this important hearing and for keeping the attention of Congress focused on the need to provide the victims of the Holocaust and their survivors immediate and complete access to the archives of the International Tracing Service located in Bad Arolsen, Germany.

As one of our witnesses, Mr. Paul Shapiro, who is the Director of the Center of Advanced Holocaust Studies at the U.S. Holocaust Museum, stated in his prepared statement, and I quote: "Who would believe that six decades after the end of World War II an archival repository of 35 to 50 million pages of documentation relating to the fates of 17.5 million people victimized by the Nazis would remain virtually inaccessible to survivors and their families and absolutely closed to scholarly and other research?"

The documents archived by the ITS are important to researchers and scholars who are attempting to examine the genocidal policies and operations of the Nazi regime. However, the archives are most valuable to the actual survivors of the Holocaust, their family members and their descendants who simply want access to the documents to gain specific information and at least some closure as it relates to their own very personal tragedies.

Complete public access to the ITS archives will have one other important consequence. In the past several years, as unbelievable as it sounds, there have been a growing number of people who are publicly denying that the Holocaust even occurred. Just over three months ago, the President of Iran held an international Holocaust denial conference. There is no better antidote to this garbage than the historical record. The ITS documents represent a part of this record. As stated by Mr. Shapiro in his testimony, they are a "vital tool in the struggle against Holocaust denial."

Mr. Chairman, the time for waiting with respect to the Bad Arolsen archives is over. Every day, there are fewer and fewer Holocaust survivors left among us. The United States should do everything in its power at the upcoming ITS annual meeting to push for the immediate opening of these archives. In the interest of justice and for the sake of those who have already suffered so much in the Holocaust, we should demand nothing less.

Mr. GALLEGLY. Alcee, there is a lot to be said about having the right person in the right place at the right time. And clearly, I think few, if any, would deny that you are not that person, and I am proud to call you my friend.

Mr. HASTINGS. Thank you.

Mr. GALLEGLY. In that capacity, what is the Helsinki Commission doing to move the ball forward? And what additional pressure can be applied to the commission?

Mr. HASTINGS. Just before you arrived, Mr. Gallegly, and thank you for the compliments. And as you cited sometimes people around here think this is a mutual admiration society. But some of us when we say "my friend," we are being formal. When we say the person is "my good friend," we really mean good friend. So he is my good friend. And I appreciate very much the question.

Before you arrived I spoke about the extraordinary work that the Helsinki Commission has done already, not only in this issue, but in the anti-Semitism arena. And that was done, I might add, under the chair of Senator Brownback and Representative Smith and others on our commission during their aegis.

But what we are intending to do, I came to this particular issue before I assumed the chair of the Helsinki Commission. But as a member of the Helsinki Commission, I was always actively involved not only in this particular issue, but in Holocaust matters in a rather general way.

What I intend to do is keep the lamp on it, Mr. Gallegly, and to make sure that appropriate hearings are held and that in inter-

facing with colleagues, particularly in the parliamentary assembly's upcoming meetings in Romania and in Kiev, I intend to raise these issues and to continue discussing them.

Surprisingly, as Mr. Kennedy has said, the responses have been favorable. But as is the case with all legislatures, it seems, they are glacial. And we are confronted with the complexities of a variety of legislatures in getting them to take the necessary protocols. But the Helsinki Commission will, and is—will remain and is actively involved in this issue and any other having to do with opening archives and anti-Semitism.

Mr. GALLEGLY. Thank you very much, Alcee. Thank you, Mr. Chairman. And in the interest of time, I will defer.

Mr. WEXLER. I thank the ranking member and Mr. Hastings and Mr. Kennedy. If I could just follow, Mr. Kennedy, we are going to have, obviously a second panel of survivors themselves. The issue as to the fairness—no one knows this better than Mr. Hastings—but the issue as to the fairness of closing down the insurance claim process before these archives have been made available seems to me to be egregious. And allowing this to persist with the relative degree of nonurgency that some of the actors involved have permitted seems to me to beg out for extraordinary action on your behalf on behalf of these people.

So I hope that the next round of witnesses, given their particular situation and people that they represent, will speak directly to that issue as to where survivors and groups of survivors find themselves in the context of the claims process, having not had the opportunity of reviewing these archives. Thank you both very much. Mr. Hastings, Mr. Kennedy, thank you.

Mr. KENNEDY. Thank you, Mr. Chairman.

Mr. HASTINGS. Thank you.

Mr. WEXLER. If the next three witnesses would be so kind as to join us. I would now like to introduce our second panel of witnesses.

First Mr. Paul Shapiro, who is the director of the Center for Advanced Holocaust Studies at the Holocaust Memorial Museum. In this role, Mr. Shapiro is responsible for providing focused leadership to the field of Holocaust studies in the United States and abroad.

Before joining the museum, Mr. Shapiro served in the bureau of education and cultural affairs at the United States Information Agency and Department of State where he was responsible for the Fulbright Fellowship Program and other major international exchange programs. He is a member of the congressionally-mandated interagency working group on Nazi war crimes and Japanese Imperial Government records and serves on the Academic Advisory Committee of the Center for Jewish History in New York.

Mr. David Schaecter is president of the Holocaust Survivors Foundation. Born in Slovakia, Mr. Schaecter left for the United States in 1950 and has lived in Miami since 1956. He has been an active member in his community for more than 45 years and is a founding member of the Holocaust Memorial on Miami Beach.

Finally, Leo Rechter is the president of the National Association of Jewish Child Holocaust Survivors. He has served in that capacity since 2001. Born in Vienna, Austria, Mr. Rechter fled to Bel-

gium to escape Nazi persecution. After the Second World War, he lived in Israel for 7 years and eventually immigrated to the United States in 1957. He worked as vice president of the International Bureau in Chemical Bank for almost 20 years. He also volunteered as an interviewer for the SHOAH Foundation, Steven Spielberg's project, to record personal histories of Holocaust survivors.

I respectfully request that our witnesses summarize their opening statements, but I know from speaking with some of them that what they have to say in my view is quite compelling, so I do not want in any way to cut them short.

We now turn to Mr. Shapiro.

**STATEMENT OF MR. PAUL SHAPIRO, DIRECTOR, CENTER FOR
ADVANCED HOLOCAUST STUDIES, UNITED STATES HOLO-
CAUST MEMORIAL MUSEUM**

Mr. SHAPIRO. Thank you, Mr. Chairman. Mr. Chairman distinguished members of the committee, survivors of the Holocaust, ladies and gentlemen. The United States Holocaust Memorial Museum has played a leadership role in the international effort to open the archives of the International Tracing Service and to bring a full copy of those records to the United States.

The reasons are clear. They lie in the mandate the Congress has given us to serve as a resource to Holocaust survivors and their families, to educators and to scholars.

The Bad Arolsen Archives constitute the most extensive collection of records in one place that trace the fate of people from across Europe, Jews and members of virtually every other European nationality as well, who were arrested, deported, sent to concentration camps and murdered by the Nazis; who were put to forced and slave labor under inhuman conditions calculated to result in death; and who were displaced from their homes and families and unable to return home at war's end.

In the interest of time, I would like to summarize the importance of these records in six bullet points.

First, their memorial significance: The memorial significance of a set of records that identifies 17.5 million human beings who were victims of the Nazis and their allies requires no explanation. Providing information to the families of those who perished is part of this memorial function.

Two, moral obligation: We have a moral obligation to the last remnant of the survivor generation to relieve their anxiety that when they are no longer here to tell us, what happened to them and what happened to their loved ones might be forgotten. The Bad Arolsen records are a different type of insurance policy. They are an insurance policy against forgetting.

Three, scholarly importance: The International Tracing Service collections have significant potential for enhancing our understanding of the Holocaust and our understanding of the displacement and trauma associated with the immediate aftermath of genocide. There is contemporary relevance to these records.

Four, service to Jews and to non-Jews: Much of the documentation at Bad Arolsen relates to the fates of the millions of non-Jews—Poles, Ukrainians, Frenchmen, Italians, Yugoslavs, Roma-

nians, Hungarians, Russians, Belgians, Dutch—who were victimized during the era of Nazi Socialist dominance in Europe.

The museum looks forward to enhancing its ability to serve not only the Jewish community, but also the non-Jewish communities that were victimized by the Nazis through the acquisition of these records.

Five, combating anti-Semitism: At a time when we are witnessing a resurgence of anti-Semitism, the ITS records serve as a warning. The records at Bad Arolsen testify to the historical reality that while anti-Semitism is obviously very bad for Jews, it is also extremely dangerous for non-Jews.

Finally, six, Holocaust denial: Holocaust survivors have served as a powerful force against denial for the past 6 decades. As their voices fall silent, it is the documentation of the Holocaust, these tens of millions of pages of irrefutable records, that will serve as our most potent weapon.

Today, major sections of the International Tracing Service archives have been digitized, but immediate distribution is needed and the Parliaments of the many countries on the International Commission of the Tracing Service have yet to formally give the go ahead to open the records to the public. This may call for an effort to achieve a kind of provisional application of the agreements we have reached, since all of the governments have indicated their willingness to move, but we seem boxed up by parliamentary procedure. This is really an urgent matter. The applicable timetable here is not the diplomatic timetable, nor is it a typical archival timetable. It is not even a typical parliamentary timetable. The applicable timetable in this case is the actuarial table of the survivor and eyewitness generation. Every month that passes means more survivors gone, and that will be an irreversible benchmark of the consequence of delay.

Thank you, Mr. Chairman, for the opportunity to speak here today. I have submitted formal remarks and request that they be included in the record. Thank you.

[The prepared statement of Mr. Shapiro follows:]

PREPARED STATEMENT OF MR. PAUL SHAPIRO, DIRECTOR, CENTER FOR ADVANCED
HOLOCAUST STUDIES, UNITED STATES HOLOCAUST MEMORIAL MUSEUM

Mr. Chairman, Distinguished Members of the Committee, Survivors of the Holocaust, Ladies and Gentlemen.

On behalf of the United States Holocaust Memorial Museum, I would like to thank the Committee for organizing this important hearing regarding the archives of the International Tracing Service (ITS) in Bad Arolsen, Germany.

Who would believe that six decades after the end of World War II an archival repository of 35 to 50 million pages of documentation relating to the fates of 17.5 million people victimized by the Nazis would remain virtually inaccessible to survivors and their families and absolutely closed to scholarly and other research? Who would believe that 11 democratic governments, including our own, have exercised supervisory control over the repository and thus, whether knowingly or not, or placing a higher value on diplomatic consensus than on human compassion, bore responsibility for keeping the documentation hidden? And who would believe that those governments and the International Committee of the Red Cross—all with admirable records of humanitarian good deeds, and many with very positive records of confronting Holocaust-related issues—appeared ready to see the last remnant of the Holocaust survivor generation disappear from our midst without providing them with the reassurance that the records of what happened to them and to the loved ones they lost would not be conveniently kept under wraps? No one would believe it, and yet this has been the situation.

The archives of the International Tracing Service constitute the most extensive collection of records in one place tracing the fates of people from across Europe—Jews of course, but members of virtually every other nationality as well—who were arrested, deported, sent to concentration camps, and murdered by the Nazis; who were put to forced and slave labor under inhuman conditions calculated in many instances to result in death; and who were displaced from their homes and families and unable to return home at war's end.

Today, major sections of the ITS archives have been digitized, and those copies could be made available to survivors and scholars through major Holocaust research institutions like the United States Holocaust Memorial Museum. But even today we are unable to proceed, because a formal decision to distribute the copies has not actually been taken, and because only four of the eleven countries on the International Commission of the ITS have formally ratified the agreements reached to make the documentation accessible for research. These vital Holocaust-era archives have been inaccessible and, despite considerable progress over the past 12 months, remain inaccessible.

What is the significance of the material? Let me respond to this question in three ways:

1. Size and scope of the Collections
2. Scholarly significance
3. Relevance in a post-Holocaust world.

1. Size and Scope of the Collections: In 1979, the Report of the President's Commission on the Holocaust, chaired by Nobel Laureate Elie Wiesel, called for a focused effort to create "an archive of Holocaust materials" that would "enable both the general public and specialized scholars to study the record of the Holocaust" (1). This recommendation was incorporated by the Congress into the mandate of the United States Holocaust Memorial Museum and has led to a long-term effort by the Museum to rescue the evidence of the Holocaust wherever it can be found and make it readily available for research. That effort has taken us to over 40 countries, and in a decade and a half we have succeeded in amassing approximately 40 million pages of documentation, mostly on microfilm or in digital form—found in attics, archives, shredding rooms, neglected garages, abandoned synagogues, and vermin-infested basements, in China, Uzbekistan, Argentina, Hungary, Romania, France, and 34 other countries.(2) Finding this material is a race against time; the paper on which many of the original records were produced will not last much longer. But thanks to the Museum's efforts, the information in the records is secure. A steady stream of important new books has begun to appear, and thousands of survivors have obtained compensation under various postwar settlements based on this rich reservoir of source material—40 million pages accumulated over the better part of two decades.

Bringing the 35–50 million pages of documentation of the International Tracing Service to the Museum will essentially double our archival holdings in one bold step. It will double the documentary resource through which our institution is able to serve both survivors and scholars. I do not want to underestimate the resource challenges this places before the Museum. They are substantial, and will require us to enhance our information technology infrastructure, archival and survivor registry services, and our research apparatus. The Museum takes pride in its status as a public-private partnership, and we are working aggressively to raise private funds to address the financial challenge this project represents.

In terms of the sheer magnitude of the project, then, acquiring copies of the archival records of the International Tracing Service is a daunting undertaking. Moreover, beyond acquiring the 35–50 million historical documents themselves, the project involves the creation and/or translation of multiple finding aids. Just the central name card index associated with the documentation constitutes an additional digital database of over 40 million items!

Completing this job is a matter of utmost urgency, and not just because the paper is crumbling. Survivors have a right to direct access to records that relate to them and to their families, without the lengthy delays that characterized exchanges of correspondence between survivors and the International Tracing Service throughout most of its history (in 2001/2002 there was a 500,000 request backlog of inquiries from survivors), and without requiring rigorous international travel by survivors, and even their children, who are now advanced in years.

Beyond issues of individual closure, that is, of enabling survivors and their families to learn about the fates of lost loved ones; and beyond issues of restitution and "compensation" for lives, years, and aspirations lost, for which in fact there can never be real "compensation"; we know from survivors across the world, including

those who volunteer at our Museum, that one of their great anxieties today is that once they are gone, no one will remember the names of their loved ones or remember what happened to them. For survivors, opening the archives of the International Tracing Service represents an insurance policy against forgetting.

The International Commission of the ITS publicly committed itself to open the archives in 1998. Nearly 10 years have passed, and in those 10 years much of the Holocaust survivor generation has disappeared as well. We have a moral and humanitarian obligation to get this job done before additional survivors disappear from among us. The timetable for this project is not a diplomatic timetable. Nor is it a typical archival project timetable. The applicable timetable for ITS is the actuarial table of the survivor and eyewitness generation. Every month of additional delay means more survivors gone—an irreversible benchmark of the consequence of delay.

2. *Scholarly significance:* In addition to the overriding importance of this material to individual survivors and their families, there can be little doubt that the millions of pages of records in the ITS collections will provide important new insights into the workings of Nazi regime and the fate of its victims. Long described as just “lists of names,” detailed information about the full extent and diversity of materials to be found in the ITS archives was denied even to member states of the International Commission. Fortunately, we now have a list of collections that runs to over 18,000 entries. We are working in partnership with the new leadership of ITS to make it available in English. I have had the opportunity to explore some of the collections, and can provide a few vignettes of what can be found there.

Some of the collections are massive: 111,440 prisoner registration documents from the main card file of the Ravensbrück women’s camp, for example, or 101,063 Gestapo arrest records from the city of Koblenz. Others are tiny, but poignant. There is a list a few pages long sent to the ITS after the war by a former Jewish prisoner at Brunnitz—one of Oskar Schindler’s Jews. He was forced to record the arrival first of the 700 men, and later of the 300 women that Schindler saved during the Holocaust. The former prisoner points out his own name on the list, and explains that he kept a copy of the list, despite the risk, because he knew that punishment for losing track of someone on the list might be death. The risk of keeping the list, he reasoned, was less than the risk of not keeping it—which tells us something about incarceration under the Nazis even in the most “benevolent” of situations.

The millions of pages of documentation from concentration camps across Europe open a window on the daily fate of those who were targeted by the Nazis and their allies. This was not grand strategy, as history is so often written, but the grinding routine of man’s inhumanity to man, of prisoners’ efforts to survive one more day, of perpetrator calculations of how to reap the most benefit from the disposable human assets consigned to their control.

The documentation of forced and slave labor reveals the workings of the system at ground level and the horrendous consequences of seeing human beings as mere “assets” to be used up. It also shows the numerous ways in which money crossed hands between government, industry, the SS and other consumers of human beings.

The immediate postwar documentation is unprecedented and unlike anything that exists elsewhere. The displaced persons card file contains the names of 3,387,612 people who sought designation as bona fide DPs. These records contain millions of immediate postwar testimonies—responses to questions asked by Allied authorities—in which what had happened to people who survived, how they survived, and what they knew about relatives and friends who they feared did not are recorded. This is a unique source of information, in the voice of the survivors, never before brought to light. In just a brief visit, I saw three types of file:

- a) Jewish Holocaust survivors pouring out their hearts in lengthy statements of what they had endured and when they last saw their families;
- b) non-Jewish survivors of Nazi brutality, like the Armenian whose story I stumbled across, who described fleeing from his home village in Turkey to Greece, only to be put on a list by local Greek authorities in 1942 when Greece’s Nazi occupiers demanded forced laborers to be sent to the Reich, where he worked under the brutal conditions reserved for “stateless” persons until the US military overran the last labor site in which he was interned; his conclusion—“There is nowhere in Europe for someone like me!”; and
- c) perpetrators of varying nationalities and culpability, who sought to abuse the displaced persons system to gain DP status, and thus have a hope of escaping Europe altogether and evading possible prosecution for their crimes. How did some of the most objectionable perpetrators of the Holocaust get out of Europe and in some cases to our shores? Part of the answer lies in the records at Bad Arolsen.

For Jewish survivors, the displaced persons camps and resettlement process represented the first steps toward the reconstruction of Jewish life in a dramatically changed world. For the non-Jews emerging from prisons and forced labor camps, some of whom saw their homelands falling under the Soviet yoke, this was also a critical period of reevaluation and new beginnings. Beyond the millions of individual stories of displacement, life and death during the Holocaust era, these documents also illuminate how Allied authorities dealt with the post-genocidal situation they inherited with victory—both the successes and the failures of policy in unprecedented circumstances. In a world still facing genocidal situations such as that in Darfur, in a world still challenged by millions of displaced refugees, there is much to learn at Bad Arolsen.

I had the opportunity last winter to visit Bad Arolsen with two distinguished journalists from the Associated Press. Since then, they have published a series of articles on what they saw, including: a) thousands of depositions taken by US Army soldiers from inmates in camps liberated by American forces, regarding the crimes witnessed and the maltreatment suffered in the camps; b) documentation regarding the tragic death of a non-Jewish Dutch youth arrested in the Netherlands and sent to Gross-Rosen for owning a radio in Nazi-occupied Holland; c) extensive documentation on a camps and ghettos infrastructure far greater in size than previously thought—documentation that will enhance a massive Encyclopedia of Camps and Ghettos in Nazi-Dominated Europe currently being prepared at the United States Holocaust Memorial Museum; d) testimonies by the local population and town and city authorities about the SS-led “death marches” of concentration camps prisoners directly through their towns; e) near complete documentation of the infamous Buchenwald Concentration camp, to which the last survivors of the death camps in Poland, including thousands of Hungarian Jewish children slated for slave labor at Hitler’s “superweapons” complex at Dora, were sent in the last months of the war; and f) documentation regarding citizens of virtually every European nation who perished in forced labor camps run by the Nazis and their collaborators, as well as Himmler’s orders that concentration camp inmates be liquidated rather than allowing them to fall into the hands of the Allied armies.⁽³⁾ Scholarly exploration of all of these topics, and many more as yet unidentified in the miles of archives housed at the ITS, will definitely enrich our understanding of the Holocaust—the defining event of the 20th century.

3. *Relevance in a post-Holocaust world:* Why now? The ITS archives have immediate relevance on multiple levels:

a) The *memorial significance* of a set of records that identifies 17.5 million human beings who were victims of the Nazis and their allies does not require further explanation. A person’s name, a human fate—these records give the victims their identity. They were not numbers, though the Nazis wanted to reduce them to that; and they are not mere statistics. They were people. They had individual identities and aspirations, like you and like me. It is essential to our own dignity, and to theirs, that we remember them not just as victims, but as people.

b) We have a *moral obligation*—an obligation that speaks to who we are—to the last remnant of the survivor generation to relieve their anxiety that when they are no longer here what happened to them and to their loved ones might be forgotten. The Holocaust illustrates all the potentials of human beings. All can become perpetrators; all can become victims; all can style themselves bystanders—turning away and, in the process of believing that what happens to someone else is not their concern, thus empowering the perpetrators of violence, bigotry and genocide; and all have the potential, like the rescuers who were too few in number 65 years ago, to perform incredible acts to help people to whom on the face of it they owe nothing, or to save the child of someone they do not even know. In fulfilling our obligation to the survivors and the victims, we reinforce lessons critical to the way we live in our local communities, our nation and the world.

c) I have already addressed the *scholarly significance* of the material and its potential for enhancing our understanding of the Holocaust, the system of forced labor in which millions of Jews and non-Jews lost their lives and suffered indignity after indignity, and the displacement and trauma associated with the immediate aftermath of genocide. I want to be clear that even the scholarly need to access the ITS archives has urgency written all over it. Some of the documentation in the collection will be impossible to understand in the absence of eyewitnesses who can explain it. Thus time lost will be permanent loss to scholarship and understanding.

d) Jews were particular targets of Nazi Germany, and roughly one quarter of the documentation at Bad Arolsen relates to the fate of Jews. The rest deals with *the fates of millions of non-Jews*—Poles, Ukrainians, Frenchmen, Italians, Yugoslavs, Romanians, Hungarians, Russians, Belgians, Dutch, etc.—who were victimized during the era of National Socialist dominance in Europe. The survivors and families of people lost also have a keen interest in learning about the fates of loved ones and studying the impact of unbridled disregard for human dignity on their nations. The Museum looks forward to enhancing its ability to serve as a resource to these communities, also victimized by the Nazis, through the acquisition of the ITS archives.

e) At a time when we are witnessing a resurgence of *antisemitism* in many parts of the world, the ITS archives serve as a warning. The Nazi regime set out to target the Jews. But once ethnic and religious hatred became enshrined as government policy, once the hatred unleashed by antisemitism came to center-stage, the suffering was not limited to Jews. There were terrible consequences for the Jews, to be sure, but also for everyone else in the vicinity. Three fourths of the records at Arolsen testify to the historical reality that while antisemitism is obviously very damaging to Jews, it is also extremely dangerous for non-Jews. Awareness of this fact is critical in our own day.

f) Finally, let me address the issue of *Holocaust denial*. Holocaust survivors, through their presence, testimony and teaching, have served as the most powerful force against denial for the past six decades. As their voices fall silent and in decades and centuries to come, it is the documentation of the Holocaust—those tens of millions of pages of irrefutable evidence to which I referred at the beginning of my remarks—that will serve as the strongest guarantor of authenticity and our most potent weapon in the fight against denial. In a recent *60 Minutes* segment dedicated to the archives at Bad Arolsen, one survivor who was seeing the documentation of his own experience for the first time concluded “for those people who said the Holocaust didn’t happen, like the president of Iran. . . . If they have any questions about it, please come to Bad Arolsen and check it out for themselves.”⁽⁴⁾ As so often in the past, we will do well if we heed the voice of the survivor generation. The ITS archives represent a vital tool in the struggle against Holocaust denial. In light of recent developments internationally and even on some of our own campuses in the United States, it is a tool that we need today.

Thank you, Mr. Chairman, for the opportunity to testify before the Committee. I hope that I have communicated the significance of the material in the ITS archives, the imperative of finally making it truly accessible to survivors and to scholars, and that time is of the essence.

The Museum hopes to receive the first sections of the ITS archives in digital form this summer, and to be able to make at least those sections available to the public later this year. We are working closely with the new leadership of the International Tracing Service to address technical and organizational issues associated with the transfer of the materials. Great strides have been made, in cooperation with the International Committee of the Red Cross, in preparing over ten million pages of deportation, concentration camp, Gestapo, and arrest records, as well as the Central Name Index, for transfer.

In order to meet this timetable, the governments on the International Commission still have to approve the transfer of digitized documentation in June and conclude their ratification formalities, or agree to grant provisional access in advance of the final ratifications, at the same time as we prepare the materials for public access. Proceeding on two tracks, our objectives are a) to have the materials ready when the formal opening of the archives for research is authorized through the diplomatic process; and b) to ensure that when the material is ready, no further postponements in providing access occur because of delays in the diplomatic process.

Tomorrow, Sara J. Bloomfield, the Director of the United States Holocaust Memorial Museum, and Dr. Klaus Scharioth, Ambassador of the Federal Republic of Germany to the United States, will host a meeting of diplomatic representatives from the countries on the International Commission of the ITS to evaluate the work that needs to be done before the International Commission meets in Amsterdam on May 14–15. If every country takes the necessary steps in a timely way, if all of the national parliaments conclude their ratification procedures, the long overdue resolution of the problem of access to the archives of the International Tracing Service may finally be at hand.

Notes:

- (1) President’s Commission on the Holocaust, Elie Wiesel, Chairman, *Report to the President*, September 27, 1979, p.10.

- (2) For a regularly updated, searchable catalog of the Museum's archival collections, see the Museum's *Archival Guide to the Collections of the United States Holocaust Memorial Museum*, available on-line at www.ushmm.org.
- (3) Arthur Max, AP, "Opening of archive likely to spur new generation of Holocaust scholarship," November 18, 2006; Arthur Max, AP, "Amidst a sea of names, Anne Frank's name stands out in vast Nazi archive," November 24, 2006; Arthur Max, AP, "Opening of Nazi documents could aid compensation claims, survivors' group says," December 3, 2006; Arthur Max, AP, "Holocaust records help reconstruct lives—An envelope in a vast archive starts the paper trail of a lost life," December 17, 2006; Arthur Max, AP, "Nazi archive sheds new light on vast network of concentration camps," December 23, 2006; Melissa Eddy, AP, "Holocaust papers—Opening Holocaust Archives may take years," January 18, 2007; Melissa Eddy, AP, "60 years later, putting Holocaust victims' names to numbers still a daunting task," February 10, 2007; Arthur Max and Melissa Eddy, AP, "The Holocaust Papers—Archives detail horrors of Nazi death marches," March 6, 2007.
- (4) "Revisiting the Horrors of the Holocaust," transcript of *60 Minutes* broadcast of December 17, 2006, available at www.cbsnews.com.

Mr. WEXLER. Thank you very much.

I want to thank Mr. Sires and Mr. Tanner for joining us, and now we would like to ask Mr. Schaecter to address the subcommittee.

**STATEMENT OF MR. DAVID SCHAECTER, PRESIDENT,
HOLOCAUST SURVIVORS FOUNDATION USA, INC.**

Mr. SCHAECTER. Thank you very much for having me, Mr. Chairman. I would like to also thank Chairman Lantos, of course you, Mr. Wexler, and it is a privilege to be here, and I am overly overwhelmed by the fact how much you gentlemen know about the issues. And I would like to go ahead and make my remarks. My full remarks and exhibits have been delivered and submitted here.

We survivors are grateful to you and to Congressman Hastings and Congressman Kirk for taking the initiative to accelerate the ratification of the amendments and to open up Bad Arolsen Archives and make their contents accessible to survivors immediately.

Listening to you and listening to the other three gentlemen, I am convinced that you know the importance of it. Our survivors in Florida and in all, at least nine States where survivors reside, are dying at a much faster rate than the general populace, and we are anxious to know as to what happened to so many of our mothers and fathers and uncles and aunts and children and grandchildren.

I wanted to point out to you that it is time for a complete and honest transparent pursuit of the truth and the accounting of the actions of those who profited from the Holocaust. It is also time for all institution, beginning with Congress, to recognize and empower survivors to be the principals in the pursuit of truth. We have lived through enough not to be dictated to by others.

For the last 6 years, gentlemen, I have lived in Miami and I have been President of the Holocaust Survivor Foundation. The Holocaust Survivor Foundation goes under the nickname of HSF. HSF is a national organization of Holocaust survivors and survivor groups throughout the United States. And HSF leaders are elected leaders of real active grassroots survivor groups around the country and I have already mentioned the states in the United States where most of the survivors reside.

I am the only member of my family to survive Auschwitz. I have tried to reflect as to how many people in my immediate family were

lost in the Holocaust. I think the number is close to 105 people. I don't know their whereabouts. I don't know how they died. I don't know when they died. I was 11½ years old when I was taken away. And the fact that I don't know what happened to our families is what bothers me so much, because I am 77 years old, and I am looking for closure. Gentlemen, we need it because we can't carry that burden of uncertainty on our shoulders any longer. We are tired and time is of essence for us.

And essence and truth is what we have been denied all of these years. It has been 62 years since the war ended and we want to know why these millions of pieces of information at Bad Arolsen have been locked up all these years. Why? And I am always asked: Why? And so do the rest of the survivors. They need input. They need assurances.

Today, the government is taking steps to allow survivors of our families the truth we have been denied for decades. This is a vital matter of basic human justice. We also believe that there may be important information in the Bad Arolsen Archives that is relevant to survivors. What I was just telling you, the survivors' restitutions and the compensation claims. We certainly have the right to find out and the time is of essence.

This committee and the committees of this meeting here—the chairman of this meeting here know about the ICHEIC issue and I would like to briefly just mention that the ICHEIC, Commission for Holocaust Era Insurance Claims, was a secret process and the survivors had absolutely no input. Survivors were not asked what is going to be done with the insurance or with the compensation.

At the end of the day, that ICHEIC sat down and formed its responsibilities. Since that first day, ICHEIC has paid about 50 percent of insurance claims that companies sold to Jewish people that were in force at the beginning of World War II.

I don't know the value of the insurance today on these policies, but we were led to believe that it could be as much as \$2 billion to \$3 billion of worth in those insurance policies. In the meantime, 5 percent or less has been paid out to the recipients of insurance policies.

Fortunately, Congresswoman Ileana Ros-Lehtinen and Congressman Wexler and other members have introduced legislation to require insurance companies to open their records and to open the courts to individual claims.

We also view the Swiss Bank class action as another star chamber proceeding. Some people believe that the \$1.25 billion was a good amount for the Swiss to pay for their theft. We do not. We doubt that because the claims were close to \$3 billion.

I would like to mention one other point that 75 percent of all of the money from the Swiss settlement, the court saw fit to send 75 percent of the proceeds to the former Soviet Union to pay survivors that money. In the meantime, they only represent about 20 percent of all of the world's survivors. The looted assets allocation left only 4 percent. And I would like for you congressmen and ladies to understand that the United States survivors or survivors living in the United States were only given 4 percent of the settlement. And yet the survivors in the United States are 20 percent of the total survivor world.

The decisions were made behind closed doors and sprung on class members without any notice. The HSF opposes the allocation because they stripped American survivors of all their legal rights proceeding nothing to return except insult. We appeared here on these grounds in 2001, but we dropped our appeal when Judge Korman told our group that he would fix the allocation in the next distribution. The judge spoke to us in Yiddish to try to assure us that he did not forget how we helped him by dropping the appeal and that the next settlement, the next payout would be reconsidered and the distribution would be made on a more balanced basis.

We are kind of asking the question: Why is it that the survivors in this country should be shortchanged because the moneys were sent to the survivors living in Moscow or in the former Soviet Union?

Ladies and gentlemen, this is a tragedy. There are over 40,000 Holocaust survivors living below the poverty level in the United States and another 40,000 live near the poverty level. And fortunately, I will not personally need any assistance, but I know the suffering that others around me are going through. We despair how the legal system can be used to take survivor's legal claims and use them for involuntary charity.

When we are speaking of the needs of our survivors, I unfortunately know too well what is happening. I serve on the board of the greater Miami Jewish Federation, and I also serve on the board of the Jewish Community Services of Greater Miami. And we take care of approximately 7,000 survivors in south Florida.

The claim conference says that it does not have enough money to meet the needs all survivors, but how much money does it control? It controls in properties billions of dollars that are in the claims conference property—that they have been assigned to sell and this distribute the moneys of these—for these properties to the needy survivors.

In one of my low points as the president of HSF was when Claims Conference President Israel Singer wrote in an article effusively describing all of the projects his organization would fund with survivor restitution funds “after all survivors are gone.”

Mr. Chairman, I am emotionally overcome by this. And I can only tell you that I would not be here if I did not feel the pain of my fellow survivors. I am begging this Congress and its chair people and all of these attending this hearing to please believe us that we are really—we have been robbed and stripped of our pride and we are asking that this blessed country of ours that the people and the Government of this country will make sure that the wrong that has been done to us should be made right and we thank you with all our hearts.

[The prepared statement of Mr. Schaecter follows:]

PREPARED STATEMENT OF MR. DAVID SCHAECTER, PRESIDENT, HOLOCAUST
SURVIVORS FOUNDATION USA, INC.

I would like to thank Chairman Wexler for holding this hearing today, and for inviting my colleague Mr. Rechter and me to address this very important meeting. We survivors are grateful to you, and to Congressman Hastings, for taking the initiative to accelerate the ratification of the amendments to open up the Bad Arolsen archives and make their contents accessible to survivors immediately.

Let me state this clearly and up front: providing access for researchers and historians is important, but ensuring that survivors and the families of all victims have

complete access to our histories is a moral imperative for this Congress and the world.

This hearing is the first step in Congress to do what should have been done years ago. First: Demand and require a complete, honest, and transparent pursuit of the truth, and an accounting of the actions of those who abetted and profited from the Holocaust. Break down all barriers to complete accountability. There should be no compromises, no excuses, no shortcuts. There should be no statute of limitations or arbitrary cutoffs to full disgorgement of profits from atrocity. Second, it is time that all institutions, beginning with Congress, recognize and empower survivors, to be the principals in the pursuit of truth. Until today, survivors have been treated like pawns in the service of other interests. We have lived through enough not to be dictated to by others.

For the last six years, I have had the privilege of serving as the President of the Holocaust Survivors Foundation USA, Inc., or HSF. HSF is a national organization of Holocaust survivors and survivor groups from throughout the United States. HSF leaders are elected leaders of real, active, grass roots survivor groups around the country—New York, New Jersey, California, Washington D.C., Texas, Boston, Washington State, Indiana, Florida, Michigan, and elsewhere.

HSF was created by like-minded survivor leaders who believed that the survivors needed a legitimate first-hand voice in matters affecting survivors' rights. Mr. Rechter, who you will hear from next, is the Secretary and one of the founders of HSF. Although the immediate topics concern seemingly mundane matters such as restitution of insurance policies, bank accounts, and looted assets, the truth is much deeper. Restitution has a material and a moral dimension. We pursue restitution to hold the Holocaust profiteers accountable. But, more importantly, we seek to make a connection with the tangible legacy of our families, which was violently stripped away as our very lives were shattered by Hitler.

In late 2000 and early 2001, the survivors who formed HSF agreed that it was not right for non-survivor institutions, class action lawyers, organizational operatives, and other so-called representatives not of the survivors' choosing to be making decisions about survivors' rights. The materials I am filing with my written remarks chronicle HSF's activities since the year 2001. In these years we have brought some clarity to the issues but, an overwhelming sense of frustration remains among the surviving community.

But the events of the last few years hardly tell my story. I am the only member of my family of survive Auschwitz. I lost my mother, my father, my sister, and my brother, and countless of other aunts, uncles, and cousins.

This is the truth, ladies and gentleman of the committee. It is a sad truth, and a hard truth. But the realization allowed me to face the history that befell my family and my people. It is these truths, millions of them that have been locked away at Bad Arolsen all these years. Why? We survivors cannot understand why the world powers would have made a conscious decision to withhold all of the facts about our history from us.

This is why I am here today. *It is time for the full truth. It is long overdue.* Your hearing today shows our Government is finally acting to allow survivors and our families the truth we have been denied for decades. This is vital as a matter of basic human justice. We also believe that there is, potentially, important information in the archive that are relevant to survivors' restitution and compensation claims. When the global settlements were made over insurance, slave labor, and bank accounts, did the negotiators know about this archive? If so, how could they have made decisions supposedly binding on survivors, without even looking at all the facts?

Unfortunately, survivors have been denied access to the necessary information required to mount full and effective disgorgement of the ill-gotten gains of the European plunderers. They have ignored the rush to judgment by representatives we didn't select to close the books on restitution. Now, with 16 miles of previously suppressed documents from the Nazi period being made public, isn't it time to halt the rush to judgment, the rush for "closure," and require the full, transparent accounting that we survivors are morally and legally entitled to move forward without any further impediments?

The "class counsel" in the Generali insurance litigation were prepared to give away the store until a group of HSF leaders objected and raised the possibility that no settlement be finalized until the public Bad Arolsen archive was accessible to survivors and heirs. On this point, the Court relented, preserving one possible source of additional information for claims against Generali.

However, even this small victory will be hollow if all eleven countries with authority over the archive do not approve its opening immediately. The window of time for Bad Arolsen information to assist Generali claims is August 2008. So, the open-

ing and digitization and publication of all the files is urgently needed. Today. The survivors are depending on your good offices to make this imperative a reality.

So, I urge you to press the hold-out governments with all your authority for a full, immediate opening of the archive. And to thank you for making this a Congressional priority.

However, there is much more to the problem of secrecy that we have faced. I urge you to use your vast authority as the representatives of the American people to open up *all* archives, records sites, and processes to ensure that we survivors have full access to the truth. It is 2007. The Cold War is over. The time for excuses is long past. Corporations, governments, and individuals who aided and abetted atrocity, or who profited from the horrors of the Holocaust, should be exposed. We survivors are entitled to all the facts about the fate of our families from that horrible period.

The one small success in the Generali settlement does not overcome the culture of secrecy that has dominated the restitution enterprise.

The International Commission for Holocaust Era Insurance Claims, the ICHEIC, was conducted in complete secrecy. The ICHEIC was chartered under Swiss law. ICHEIC's headquarters was located in London. ICHEIC members agree this was designed to avoid the subpoena powers of U.S. Courts and the reach of American Public Records and FOIA laws.

No survivors with claims, and no heirs with claims, were present. No chosen representative of claimants was present. Even though nearly 100 people attended the ICHEIC meetings, there was no room for those whose rights were being decided. There were two survivors allowed in these meetings, but they were in the room because they are part of the Claims Conference. They were not elected by Survivors or claimants in any way, shape, or form.

There was room in these meetings for about dozens of the insurance companies' lawyers, publicists, and lobbyists from *each* of the insurance companies. It would break your heart to see the line up of attendees. Lawyers like Kenneth Bialkin, former President of the Anti Defamation League, are in the meetings, representing Generali. ADL's former lobbyist ADL lobbyist Harry Wall, who has served as Generali's lobbyist, was also in the meetings. But not claimants or their representatives.

The insurance companies under ICHEIC did not open up their archives, even though that was promised before various Congressional committees in 2000 and 2001. ICHEIC only published the names of policy holders the companies wanted published. Only a fraction of the total names were published.

When a company denied a claim under ICHEIC, it had complete discretion over whether or not to provide survivors with their internal records supposedly documenting the reasons for the denial. Published criticisms have cited the insurers' routine failure to provide claimants with relevant documents. As President of the HSF, I have heard from so many survivors who trusted the process but believe it was stacked against them from the start.

The results of this secret process were, not surprisingly, terrible. At the end of the day, ICHEIC will have paid on less than 5% of the insurance policies that companies sold to Jews that were in force at the beginning of World War II. Is this Justice? No, it isn't.

And the two traits of ICHEIC that stand out to *survivors* are first, its secrecy, and second, the denial of survivors' rights to represent themselves.

ICHEIC even refused to provide the U.S. State Department with information that Congress mandate be collected in its oversight of the implementation of the Executive Agreement between the United States and Germany covering slave labor, insurance, and property matters.

Fortunately, Congresswoman Ileana Ros-Lehtinen and other representatives have introduced legislation to require the companies to open their records, and to open the courts to individual claims. So, as with Bad Arolsen, we are relying on you the Congress to ensure that the truth about insurance companies' theft of our families' legacies will be exposed and restitution paid.

We also view the Swiss bank proceeding as another star chamber proceeding. Some people believe that \$1.25 billion was a good amount of money for the Swiss to pay for their various thefts.

In our opinion, survivors never had a real say about how the case should be settled.

At the time of the settlement, there was no way for any survivor to know how much he or she would receive in the settlement.

Survivors were required to make their decision to opt out or not without knowing what, if anything, they would receive.

One of the most troubling parts of the settlement was the way the Looted Assets funds were distributed. Based on a recommendation by Special Master Judah

Gribetz, Judge Korman decided to give 75% of all those funds, which were earmarked to provide assistance for survivors in need, to agencies in the Former Soviet Union. At most, the FSU has 20% of the world's survivors.

The decision was made behind closed doors, without the notice to the class, that Looted Assets class members' recovery would be distributed according to a Judge's conception of whether one survivor was "needier" than another. The HSF opposed this because it stripped American survivors of their legal rights, and of their dignity. If you survived the camps and saw your parents and brothers and sisters murdered, and your family's possessions were looted by the Nazis and fenced by the Swiss banks, why should you have inferior rights just because you live in the United States? If you are a survivor and you are poor, sick, and hungry in New York, Cleveland, Houston, Boston, Los Angeles or Miami, are you less entitled to benefit from the settlement of your legal claim than someone who lives in Moscow?

That allocation left only 4 percent of the funds for needy Survivors in the United States, even though at least 20% of the world's survivors live in America.

The 4 percent figure amounts to about \$750,000 per year from the Swiss Looted Assets settlement to help needy survivors in the United States.

Ladies and gentlemen—this is a tragedy. There are over 40,000 Holocaust survivors living below the poverty level in the United States, and another 40,000 living near the poverty level.

Estimates show the cost of paying for the *unmet needs* of these American survivors at between \$30 million and \$70 million per year. We are not talking about luxuries here. We are talking about food, shelter, medicine, dentures, eyeglasses, heat, in-home care for elderly survivors who cannot abide institutionalization after what they experienced in the camps. With the billions that were stolen by the Swiss and others, should they not have dignity in their last years?

This result, begat in secrecy and decided by powers not of the survivors' choosing, was and remains outrageous.

Israel is receiving 12.5% of the funds even though over 40% of the world's survivors live there.

Over \$16 million per year of the settlement funds are going to Russia and former Soviet republics.

Basically, the 80,000 poor U.S. Survivors received nothing for their Looted Assets claims against the Swiss. In a lawsuit in an American court based on American law started by pressure from American public officials, American survivors' legal claims against the Swiss for fencing our families' property were converted into a charitable fund for a federal judge to use according to his personal notions of who is "needier." Instead of having access to their own recovered funds, this Judge thinks the survivors here should be beggars from the community chest.

Fortunately, I would not need assistance from these funds. But I know the suffering that others around me are going through. We despair how the legal system can be used to take survivors' legal claims and use them for involuntary charity.

This is not an academic issue. *There is still over \$400 million remaining in the Swiss settlement that may be subject to a "secondary distribution" when the bank account claims are finished. The Courts have turned a deaf ear to the American survivors, but we hope Congress will look into this matter.* After all, the inquiry into the behavior of the Swiss banks was initiated by this Congress.

To make matters worse, there was a "Lead Plaintiffs Counsel" in the Swiss bank case named Burt Neuborne who was supposed to represent the entire class. He promised, in writing, to advocate for more funds for U.S. survivors in subsequent distributions.

But when more funds became available, he broke that promise and supported the existing formula calling for 75% of the money for the Former Soviet Union.

This Lead Counsel had also stated publicly on several occasions, over a 7 year period, that he was working pro bono for the plaintiffs. However, last year Judge Korman disclosed that several years ago he "retained Mr. Neuborne" and agreed to pay him from Holocaust survivors' settlement funds. This agreement was never placed in the Court record, so survivors understandably were shocked when Neuborne asked for more than \$4 million in fees.

Mr. Neuborne's records show that he met in private on dozens of occasions with Judge Korman and Special Master Gribetz to discuss the Looted Assets allocations between 1999 and 2003.

Why weren't we the Survivors allowed to participate in those talks?

Why weren't these discussions done on the public record?

Who else attended those meetings?

Anyone on this Committee would also be shocked at the lack of information about the way the \$16 million per year is being spent in the Former Soviet Union. The

“accounting” provided to the public is only two or three summary charts. Who is ensuring the integrity of those expenditures of survivors’ money?

In the Swiss bank case, parties’ filings and court orders were selectively placed in the court record, out of sequence and without any discernable logical basis. According to some claimants for looted bank accounts, important decisions changing the rules for recovery were made without prior notice to the public or affected claimants.

Is there any subject more demanding of public accountability than the use of funds recovered in a settlement of Holocaust survivors’ looted assets claims against Swiss banks or any other corporate profiteers?

We have a right to know, and we are asking Congress to hold hearings on the Swiss bank settlement and allocations process.

Unfortunately I could go on for hours but I will address one final area today, which is the role played by the Conference on Jewish Material Claims Against Germany, the Claims Conference. Once again, this is an entity shrouded in secrecy, and controlled by non-survivors. Yet it controls billions of dollars worth of real property, art, other assets, and cash that are in reality the property of Holocaust victims and heirs. There are 24 organizations on the board of directors of the Conference, but only two of these are Holocaust survivor groups. 22 board members are not accountable to survivors in any way.

I serve on the board of the Jewish Community Services of Greater Miami, which assists survivors. We receive approximately \$500,000 each year from the Claims Conference. With our local funds, this only provides for less than 4 hours of home care per week for survivors who need at least 12 hours per week. Our emergency funds run out in March or April each year. It would break your heart if I told you about the poor, elderly survivors who are going without the health and home care and basic dignity they deserve, or the survivors who only get one meal per day. It certainly breaks mine. The shortfall of funds needed for minimal care for survivors in Miami alone is over \$1 million per year.

The Claims Conference would like to be congratulated for the good it does for survivors, but we say they should have no other purpose for these funds other than helping survivors.

Each year, the group wrings its hands and says it simply doesn’t have enough money at its disposal to provide unmet needs of Holocaust survivors in the United States and elsewhere. But how much money does it control? No one outside the Claims Conference knows. It has never allowed its assets to be publicly audited.

We believe the Claims Conference controls at least \$2–3 billion of dollars of Holocaust victims’ property. It has another \$1 billion in cash reserves on hand, as we speak today. This does not include the claims to assets that are still open, so it is likely to receive billions more.

Why is this important? Because with hundreds of millions of dollars in the social service deficit for Holocaust survivors’ basic services everywhere, including between \$30 and \$70 million in the U.S. alone, the Claims Conference is the logical source of funds to help survivors.

Each year it dispenses only about \$100 million in discretionary funds each year, with less than 15% for social services in the United States. With over a billion dollars in the bank and more undisclosed, what is it waiting for? All the survivors to die?

One of my low points as the President of HSF was when Claims Conference President Israel Singer wrote an article effusively describing all the projects his organization would fund with Holocaust restitution funds *“after the survivors are gone.”* You can’t even begin to imagine the survivors’ hurt and anger at this arrogance. How dare he talk about “leftover money” when thousands of survivors today are hurting and suffering? These are your constituents, ladies and gentlemen. I wrote an article with the survivors’ perspective which was published as well. These are being submitted for the record. I hope you read them carefully.

This exchange occurred in June of 2002. For a while it prompted outrage in the media and in the community. The arrogance of a non-survivor planning to build a bureaucratic empire with survivors’ money after allowing thousands to suffer and languish in misery in their final years. The Wall Street Journal, New York Times, National Public Radio, and other major media gave this a one-shot story.

But very little changed. Pressure from some communities has caused the Claims Conference to increase allocations here, and there, as if they were applying grease to a squeaky wheel. But how can survivors’ rights be toyed with so shamelessly?

This isn’t all.

The Claims Conference sets aside 20% of its annual discretionary spending for “research, documentation, and education” projects. While survivors do not object to these projects in general, there is no justification to allow Holocaust restitution

funds to be used for bricks and mortar memorials and research projects while elderly survivors are suffering.

So, they are mispending money today for non-survivor projects, and they are hoarding funds for future empire building after we are all gone.

There's more.

In addition, many Claims Conference grants are given to board members. This organization entrusted by the outside world with survivors' funds, supposedly to assist survivors as a priority, engage in self-dealing among the board members with these restitution funds.

Is this legal? It certainly is indecent. And, as with Bad Arolsen, we are asking Congress to investigate the asset management and spending practices of the Claims Conference. It is unthinkable that such secrecy and self-dealing can be tolerated by any organization, especially a not for profit entity in this post-Enron era.

That the source of the funds is the Holocaust and the beneficiaries denied are survivors cries out for Congressional scrutiny and oversight.

The free market here has not worked.

You might recognize Mr. Singer's name. He was dismissed last week from the World Jewish Congress by Edgar Bronfman for alleged financial improprieties. Yet he seems to have retained his role as President of the Claims Conference. The Chairman, Julius Berman, defended his remaining as President. He said: As president, Mr. Singer "has never been involved in the financial decisions of the Claims Conference, and said he sees no reason to take action at this time." This is what the press reported last week.

So the Congress might ask what is going on in an organization that controls billions of dollars of Holocaust survivors' money, conducts its business in secrecy, refuses to account for its funds, and seems to have no problem building future empires with survivor money while the souls who went through hell are suffering today while money from the Holocaust is sitting dormant for everyone else's agenda except the survivors themselves.

One would have thought that Holocaust survivors, at the end of our lives, would have been treated with the utmost respect and dignity. In reality, however, much of what has passed for "restitution" has been the opposite of what we would have expected, with catastrophic results. Instead, the process has been driven by institutional and organizational imperatives, instead of by the rights, interests, and priorities of the survivors. Too often, these forays have yielded incomplete information disclosure and absurdly low financial compensation. Instead of being principals, we the survivors have been treated as pawns. Instead of receiving dignity and respect, we have received lip service and been patronized by organizations, and judges, executive branch officials, and up until now, even Congress.

I implore you to review this entire state of affairs and bring the antiseptic of sunshine, and to restore the survivors in their proper role as the principals to control their own affairs and make decisions about their rights and interests.

Mr. GALLEGLY. Mr. Chairman?

Mr. WEXLER. Yes?

Mr. GALLEGLY. I really have been overwhelmed by the compelling testimony of Mr. Schaecter. I just got a call and I have a recorded vote in Judiciary, and I don't want my absence to be viewed as not having incredible interest that I have in this hearing. And I know that you trust that I am going to continue to work aggressively with you on this. And if our witness will forgive my absence. Unfortunately, it is difficult to be in as many places as we need to be.

Mr. WEXLER. Understood. Thank you Mr. Gallegly. Mr. Schaecter, thank you very much for your testimony. We understand and greatly appreciate how difficult it is. Thank you for being here.

Mr. Rechter.

STATEMENT OF MR. LEO RECHTER, PRESIDENT, NATIONAL ASSOCIATION OF JEWISH HOLOCAUST SURVIVORS (NAHOS)

Mr. RECHTER. Thank you very kindly. Mr. Chairman and members of the committee, my name is Leo Rechter. I would like to begin by thanking Chairman Lantos and Chairman Wexler for

holding these hearings and inviting Holocaust survivors to speak today. And we thank Congressmen Hastings, Kirk, and Wexler, and the gentlemen, Mr. Gallegly, Sires, and Tanner also for being here today and listening to our stories.

We survivors frankly do not understand how authorities, all over the world who are so effective in pursuing all other murderers all over the world and all the plunderers all over the world, can invoke the concept of privacy rights when it comes to protecting the specific murderers of our families and the plunder of their assets. Unfortunately this callous attitude toward survivors has been emulated by various organizations and institutions dealing with Holocaust issues.

The opening of the archive is long overdue. What possible justification can there be to prevent us from learning the truth about what happened to our families during the Holocaust, no matter how horrible it might be. Even this historic opportunity to speak to this honorable committee, I feel a tremendous responsibility to present the facts without sugar-coating from the perspective of the Holocaust survivors. And I believe the legacy of murdered loved ones requires nothing less than full exposure of all the facts.

I hope to be able to use my time here to inform you of the matters of greatest concern to the community of Holocaust survivors. My written testimony covers it in detail. And I respectfully urge you to review it and the exhibits we filed. I will try to summarize these concerns here in my oral presentation in my time before you.

Please permit me to present a summary of my background. As Chairman Wexler has pointed out, I was born in Vienna, Austria. And after the Kristallnacht, our family, parents, younger sister, and I left all of our belongings and assets behind and fled one cold winter night with just our clothes on our back and one inconspicuous suitcase to Belgium. My father had been brutally beaten before we fled.

A few years later, after the German invasion of Belgium, my father was deported and eventually perished in Auschwitz, and at the ripe old age of 12, 13, I became responsible for the well-being of my younger siblings and my mother. We went into hiding running from place to place, lodging in basements and attics, and several times we were almost apprehended by the Gestapo.

In 1957 I came to the United States, married, worked during the days and attended college at night. I attained a B.A. Summa cum laude and then an MBA in international finance with highest academic distinction. Professionally, I became vice president in charge of an international department of the Manufacturers Hanover Bank, which later became Chemical Bank. I worked there for about—almost 20 years, until my retirement.

When I retired from banking, I volunteered as an interviewer for the Shoa Foundation, Steven Spielberg's project to record survivors' personal history. I was shocked and amazed when I met survivors in New York City who were living in poverty, in desperation and hungry, with numerous infirmities and no resources or families to help. That was simply something I didn't know, and many of—most of us who had managed to live normal lives didn't know either.

I also became active in the National Association of Jewish Child Holocaust Survivors, NAHOS. NAHOS has currently over 1,200

members in 16 U.S. States, with about 500 in the New York metropolitan area. I was elected president in 2001. Our newsletter is mailed to over 1,800 survivors and dignitaries. Hardly a day goes by without me hearing from our members and other survivors. A common theme in the NAHOS newsletter, reflecting the views of the survivors, is the failure of the institutions throughout the world to deal openly, forthrightly, and transparently about the issues affecting survivors.

I sit on the advisory committee of one of several social service agencies that assists survivors in New York City. Of the 40 cases that we examined last month, only a few weeks ago, most asked for help with Medicare payments, rent or dentures. One case was a homeless woman sleeping in hallways of synagogues.

It is a matter of official record. In the New York City area, there are over 28,000 Nazi victims who live below or near the actual poverty level and an additional 20,000 who are nearly poor. We never have enough money to assist all of the survivors who need help because the large nonsurvivor organization, the Claims Conference, who had received the authority to be the heir and recipients of all heirless properties, only supplies the social service agencies with a limited amount of annual funds. None of the Claims Conference members who are in office were either elected by survivors nor do they morally represent the Nazi victims in whose names the organization obtained these funds.

After Germany's reunification in the early 1990s, the Claims Conference, as a legal heir, obtained East German properties that were not claimed by direct heirs within an outrageously short time limit imposed by the Claims Conference. Shockingly, there never has been a full public accounting of the actual value of assets, including real estate, art, and other properties in the Claims Conference's inventory of assets. It never even published a list of the former Jewish real estate owners until 2003. And that was because of pressure from the British Parliament and that was only for a few months. Current estimates of the Conference's assets base range between \$1.3 billion and \$3 billion.

The Claims Conference generates some \$100 million each year from partial liquidations or rental revenues of these properties. No more than \$15 million per year is used to help survivors in the United States. And, further, the group uses some 20 percent of the funds for projects that they label research, documentation, and education.

The estimates of unmet needs of the survivors range from \$30 million to \$70 million each year. Many of the grants they are making are made to organizations that sit on the board of directors of the Claims Conference, and survivors question the legitimacy of such an operation.

In this Swiss banks case, as my friend David mentioned, the U.S. survivors had challenged unsuccessfully the court's distribution which gave the United States survivors less than 4 percent of the settlement funds attributable to looted assets claims, while granting 75 percent to individuals in the former Soviet Union. Sixteen million dollars per year spent in the former Soviet Union, although no detail of the accounting of that spending has been published. Only \$750,000 goes to help U.S. survivors in the United States.

Yet there is an additional \$400 million idling in U.S. banks since 1999, waiting to be distributed according to a formula not under control of the survivors in whose names the settlement was obtained.

Meanwhile, tens of thousands of survivors are suffering. This is cruel in our view, and most survivors believe that this money will not be distributed until all of the survivors are gone.

The opening of the Bad Arolsen Archives might provide the evidence that survivor claimants desperately need to have a chance in recovering insurance and other assets, but specific legislation to open corporate records of Holocaust profiteers is also necessary.

Most of today's remaining survivors were children during the Nazi years, and they were not informed about all of our parents' assets. And our families' records, obviously, have stripped away during the Holocaust. Furthermore, only Congress has the power to compel the so-called institutional organization—that I mentioned before, not controlled by Holocaust survivors or their heirs—to fully and openly disclose all recovered financial and other assets they are currently holding and their intended use thereof.

I, thankfully, likely will not need any help personally from the Claims Conference or any other public body. But I know there are too many survivors suffering, even though the resources needed are within our grasp if only a real and honest effort were made to examine the scope of Holocaust thefts and hold those culpable to be accountable in a publicly open process.

This is the logic and morality of what you are doing today about Bad Arolsen. We thank you for this effort and respectfully suggest to expand it to encompass this to other areas affecting survivors in their final years.

I would like to thank the committee for your kind consideration of this heartfelt cry for assistance by individuals who underwent unimaginable sufferings in their lifetimes. I would be happy to answer questions.

[The prepared statement of Rechter follows:]

PREPARED STATEMENT OF MR. LEO RECHTER, PRESIDENT, NATIONAL ASSOCIATION OF JEWISH HOLOCAUST SURVIVORS (NAHOS)

Mr. Chairman and members of the Committee,

My name is Leo Rechter. I live in Jamaica, Queens, New York. I would like to begin by thanking Chairman Lantos and Chairman Wexler for holding these hearings and inviting Holocaust Survivors to speak today. We welcome your actions here to persuade the nations that have not yet ratified the amended protocols to open the Bad Arolsen ITS archives to do so immediately and to make its contents available for Survivors and our families, also without further delays. This archive was, for reasons we not understand, essentially closed to us for 62 years. We do not understand how and why acts of murder and plunder had been granted the protection of privacy rights. The opening of the archive is long overdue. Of all the public archives in the world, what possible justification can there be to prevent us from learning the truth about what happened to our families during the Holocaust?

Given the historic opportunity to speak to this honorable Committee, I feel a tremendous responsibility to present the facts, without sugar coating, from the perspective of the Holocaust Survivors. I am an elected leader of a nationwide grassroots Survivors' organization with members in sixteen U.S. States and believe to be very cognizant about the sentiments of the Survivors. I believe the legacy of our murdered loved ones requires nothing less than full exposure of the facts. I hope to be able to use my time here today to inform you about several of the matters that are of utmost concern to us, the dwindling community of Holocaust Survivors.

Before I delve into these details, please permit me to present a summary of my background. I was born in Vienna, Austria and attended public schooling. After the

'Kristallnacht', our family (parents, younger sister and I) left all our belongings and assets behind and fled one cold winter night—with just our clothes on our back and one inconspicuous suitcase—to Belgium. A few years later, after the German invasion of Belgium, my father was deported and eventually perished in Auschwitz. At the age of 12–13, I became responsible for my younger siblings and my mother. We went into hiding, always on the run, lodging in basements and attics and several times were almost apprehended by the Gestapo.

In 1957 I came to the United States, married, worked during the days and attended College at night. I attained a B.A. 'Summa Cum Laude' and then an MBA in International Finance with 'Highest Academic Distinction'. I received a letter of commendation from the 'White House' for my scholastic achievements. Professionally, I became Vice President in charge of an International Department of the 'Manufacturers Hanover Bank', which later became 'Chemical' Bank and worked there for about 20 years until my retirement. My wife and I raised three children and we have eight grandchildren.

Despite headlines in the media that "Holocaust restitution" programs have been successful, this is simply not the case. The reality is that specific property restitution for individuals has been largely unsuccessful and disappointing. Only a fraction of the funds actually looted was "recovered" in any general sense and only a small portion of funds recovered and deemed "heirless" or for "humanitarian purposes" have trickled down to meet the pressing social service needs of living Holocaust Survivors. There is a growing, but not sufficiently large, recognition about this failed enterprise. And I am not just talking about recent headlines dealing with alleged wrongdoing by certain organizational leaders, though that is a symptom of the problem.

How can restitution be deemed successful when tens of thousands of Survivors in the U.S. cannot meet basic home and health care needs, or pay for medicines, dentures, eyeglasses, hearing aids or walkers? This may shock most leaders and public officials, but it has been documented with increasing frequency in the Jewish and mainstream media. How can restitution have been successful when the International Commission for Holocaust Era Insurance Claims—ICHEIC—resulted in the payment of 3%–4% of the insurance policies sold to Holocaust victims before WWII? How can restitution be called successful when the Swiss banks class action was settled without Survivors knowing that—in the U.S.—they will *not* be compensated for the assets that were looted from them and laundered through the Swiss banks? Major decisions were made behind closed doors—including the decision to send 75% of the funds to assist individuals in the Former Soviet Union (FSU) and only about 4% to the U.S.? Did the individuals in the FSU ever have Swiss bank accounts? Did they have so many assets that the Germans could have plundered and laundered through the Swiss banks?

This state of affairs demands greater openness and transparency, just like the Bad Arolsen archive. Bad Arolsen set an unjustifiable pattern of secrecy and concealment that was eagerly emulated by the organizations charged with the distribution of Holocaust restitutions. Congress must do more to elicit and heed the voices of Holocaust Survivors. Remembering the Holocaust requires more than attending a Holocaust Remembrance Day ceremony every year. We hope that your noble action in pressing for the opening of the Bad Arolsen archive, signifies a commitment to honor the lives of Survivors and the memories of our martyred families with a full and thorough and transparent consideration of all the issues Mr. Schaecter and I raise here today.

When I retired from my career in banking, I volunteered as interviewer for the Shoah Foundation, Steven Spielberg's project to record the personal histories of as many Survivors as possible. I was shocked when I met Survivors in New York City who were living in poverty, in desperation, hungry, alone with numerous infirmities and no resources or families to help. This was something simply not known among those of us who had managed to live 'normal' lives.

Around that time I also became active in the 'National Association of Jewish Child Holocaust Survivors (NAHOS). NAHOS has currently over 1200 members in sixteen U.S. States with about 500 in the New York Metropolitan area. I was elected president in 2001. Our New York members hold monthly meetings and I am the editor of a monthly newspaper, dealing with information of interest to the Survivor community, i.e.: restitution programs, court cases, settlements, legislations and executive branch actions. This newsletter is mailed to over 1,800 Survivors and dignitaries.

As president and editor of NAHOS, hardly a day goes by without me hearing from our members and other Survivors about their problems and anguish. I regret to tell this Committee that there has been—in the last several years—a common theme in the NAHOS newsletters, the failure of institutions throughout the world to deal

openly, forthrightly and transparently about the issues affecting Survivors. To put it simply, the restitution enterprise, about so much has been written, has been a failure from the standpoint of the Survivors. There are three principal reasons for this failure. First, it has been controlled by NON-Survivor organizations, and in every instance processes are engineered to divest Survivors of their individual decision-making ability. Second, these processes have been conducted in secret. Only bits and pieces of isolated information is shared with Survivors. This is as outrageous when it is being done by Jewish groups as it is when being done by the eleven countries that have allowed Bad Arolsen to remain secret all these years. Third, in every case the rights and interests of Survivors have received the lowest priority, being subordinated to the interests of governments, international corporations, and non-Survivor organizations.

Let's start with the overarching problem—that tens of thousands of Holocaust Survivors in the United States live in poverty and cannot afford the basic necessities of life—food shelter, medicine, home care, dentures, eyeglasses, hearing aids, etc. . . . How is this possible in the year 2007? According to a letter recently sent by the Greater Miami Jewish Federation to members of the United States Congress, there are over 87,000 Holocaust Survivors in the U.S. who are living in poverty as defined by the federal government, or whose income is so low they are considered poor for policy purposes. In the New York City area, home of about half the Survivors in the U.S., there are over 28,000 Nazi victims who are poor according to the guidelines and an additional 20,000 who are nearly poor.

I sit on the Advisory Committee of a major social service agency that assists Survivors in the New York City area. Almost every month we meet to consider allocations to Holocaust Survivors in need who do not receive enough help from the governmental social service programs for their daily needs. We never have enough money to assist all the Survivors who need help, because the large *non*-Survivor organization, the 'Claims Conference', who had received the authority to be the recipient of all "heirless" properties only supplies the social service agency with a limited amount of annual funds, although their current reserves are estimated to be in the billions. Of the 40 cases we examined last month, most asked for help with 'Medigap' payments, or rents, or dentures. FYI, the applicants never receive funds themselves; it is paid to the suppliers of services. One case was a *homeless* woman, sleeping in hallways of Synagogues. The public assistance network in New York, despite the good it does, contains significant gaps.

How did this state of affairs come to pass? The Claims Conference's role in the restitution processes is a common thread that cannot be ignored. One of the reasons victims have done so badly in the property & insurance negotiations is that the organizations primarily doing the negotiations (the Claims Conference, the World Jewish Congress, the World Jewish Restitution Organization) are less interested in individual claims being honored than in "global settlements," resulting in funds they can control. Even Stuart Eizenstat recognized this in his book "Imperfect Justice."

The Claims Conference is a creation of the early 1950's. It reflects a political decision made by leaders of the Jewish community and the German government, dating back more than half a century ago, in the aftermath of World War II, to have a mechanism to channel German reparations to Holocaust Survivors.

For over 40 years, there were no official Survivor organizations on their Board. In the 1990's two "survivor" groups were added to the board, but today only 2 of the 24 voting board members are Survivor organizations. So, the Claims Conference's board members and officers were neither elected by Survivors, nor do they morally represent the Nazi-victims in whose names the organization obtains its funds. This is a major moral problem because while the group handles hundreds of millions of dollars in Holocaust restitution money, Survivors are denied material benefits to which they are entitled and of which they are in desperate need.

After German reunification in the early 90s, the Claims Conference, as a legal heir ("successor organization"), obtained East German properties that were not claimed by direct heirs within an outrageously short time limit. The Claims Conference did not publish the names of Jewish owners and the location of these properties so the owners or heirs might easily recognize and recover their families' properties. This unforgivable and self-serving decision hurt thousands of families.

The Claims Conference always had the mandate to use the funds it acquired for the direct assistance of Survivors. Yet, there never has been a full, public accounting of the actual value of the assets, including real estate, art, and other properties in the Claims Conference's inventory of assets. Why? This lack of information is not only inconsistent with all notions of necessary transparency of organizations dealing with the public trust, but it renders hollow the Claims Conference's constant plea that it "does not have enough funds" to meet the current needs of Survivors around the world. How can government officials such as yourselves know if this is true un-

less it is known how much property the Conference controls. Current estimates of the Conference's asset-base range between \$1.3 and 3 billion dollars. However, those estimates do not include the value of thousands of German properties to which the organization has made claims which are still pending. With tens of thousands of elderly Survivors suffering and unable to take care of basic needs, how can this state of affairs be tolerated?

The Claims Conference generates some \$100 million each year from partial liquidations or rental revenues of these properties, and uses some 20% of the funds for projects they labeled "research, documentation, and education." Survivors and many Jewish leaders are becoming increasingly critical of these "projects," as Survivors are aging and dying without the dignity of proper care and attention after all they have been through. Many of these "research, documentation, and education" grants are made to organizations that sit on the Claims Conference Board of Directors. Survivors question the legitimacy of these grants.

The use of funds for these purposes was only made possible when the Board, controlled by *non*-Survivors, changed its By-laws in 1994 after German reunification and acquisition of thousands of properties. Prior to 1994, the charter permitted the pursuit of restitution and reparations and only permitted the group *"to apply any moneys, goods and property, and the proceeds thereof, income therefrom and increments thereto, to the relief, rehabilitation, maintenance, care, resettlement and emigration, of victims of Nazi persecution and discrimination."* These changes would have a devastating effect on the quality of life for thousands of Holocaust Survivors. Since these changes were made, more than \$100 million has been used for these non-survivor purposes, despite the urgency of the human suffering among the very Nazi-victims whose families owned the various properties that yielded the restitution money. Is this legal? If so, it shouldn't be. But to date, no public authority has (to our knowledge) examined their conduct.

The Claims Conference and its alter-ego, the World Jewish Congress, were instrumental in the formation of the 'International Commission on Holocaust Era Insurance Claims (ICHEIC)' in 1998. The ICHEIC has been a supreme failure from the Survivors' perspective. It has yielded less than 2% (approximately \$150 million) of the total amount of insurance assets looted from Holocaust victims (estimated by noted economist Sidney Zabudoff at \$18 billion). At the same time, ICHEIC imposed involuntary charity on the policy holders and their families by earmarking tens of millions of dollars for Russian teenagers' trips to the Baltic Sea and other questionable programs benefiting individuals who were clearly not Nazi victims.

In the Swiss banks case, the U.S. Survivors had challenged unsuccessfully the distribution of funds which gave the U.S. Survivors less than 4% of the settlement funds attributable to 'Looted Assets' claims, while granting 75% to individuals in the Former Soviet Union. The U.S. Survivors do not deny that there are needs in the FSU, but believe it is outrageous for a U.S. Judge to become a philanthropist with Survivors' money from a legal settlement. So far, \$200 million was earmarked that way. As much as an additional \$400 million are idling in U.S. bank accounts for a number of years, awaiting to be distributed according to a formula not under control of Survivors in whose names the settlement was obtained.

The failure of Holocaust Survivors to receive a full accounting and recovery of looted insurance assets is representative of the failure of the entire "restitution" enterprise. I respectfully suggest that Congress has a moral obligation to enact legislation to require full disclosure of all Holocaust-era policies and provide Survivors and heirs with specific a specific right of access to U.S. Courts. Despite public statements about examining all claims with "relaxed standards of proof," ICHEIC and insurance companies have been anything except cooperative. Most of today's remaining Survivors were children during the Nazi-era and were not informed about all of their parents' assets. The opening of the Bad Arolsen archives might provide the evidence that Survivor claimants desperately need to have a chance of recovering these and other assets. Furthermore, only Congress has the power to compel the so-called "restitution organizations,"—not controlled by Holocaust Survivors or their heirs—to fully and openly disclose all "recovered" financial and other assets they are currently holding and their intended use thereof.

I thankfully will, in all likelihood, never need any help personally from the Claims Conference or any other public body. But I know that too many Survivors are suffering even though the resources needed are within our grasp if only a real and honest effort were made to examine the scope of Holocaust thefts and hold those culpable to be accountable in a publicly open process. This is the logic and morality of what you are doing today about Bad Arolsen. We thank you for this effort and respectfully suggest to expand it to encompass the other areas affecting Survivors in their final years.

I wish to thank the Committee for your kind consideration of this heartfelt cry for assistance by individuals who underwent unimaginable sufferings in their lifetimes.

Mr. WEXLER. Thank you very much to you as well.

If I could start with Mr. Shapiro and then ask Mr. Schaecter.

To Mr. Shapiro, I would like—yesterday I think I had the opportunity to listen to you describe what might be examples of the information that would be obtained from a disclosure of the Archives. I was hoping you could share for the committee and the audience an example or two of what is to be found in the Archives, and also if you could speak to the fact that it is estimated—I believe the archival information relates to upwards of 17 million people. So, obviously, when you do the math, odds are roughly one-third of the people that this relates to would most likely be of the Jewish faith, and the remaining two-thirds, of course, most likely would not be not of the Jewish faith, probably of the Christian faith.

If you could share with us roughly who are these people that are directly affected by the archives.

And to Mr. Schaecter and Mr. Rechter, if you could maybe think a bit while Mr. Shapiro is speaking. Could you share with us either your own experiences or the experiences of others as they have tried to obtain information from the Archives? What has the experience of people been? What have they gone through, if you have any information in that regard?

Mr. Shapiro.

Mr. SHAPIRO. Thank you, Mr. Chairman. It is quite difficult to summarize what is in 35 million to 50 million pages of documentation. But let me give a summary statement and then a few examples.

There are three major components of this documentation. Roughly 10 million pages is documentation of concentration camps, deportations, transports, Gestapo arrest records, and prison records. The people involved there are the whole range of people living in Europe at the time, principally of course the Jews. When you look at certain camps and certain experiences, the deportation of Jews from Vienna—I was very moved by Mr. Rechter's statement about his own history. Well, those deportation lists are at Bad Arolsen. Or if you would like to see the deportation list of Anne Frank's family from the Netherlands to Auschwitz, that list also is at Bad Arolsen. This is just a sample.

The grinding life of people victimized at the ground level in camps and prisons is very visible there. Very, very visible. Not so much the grand strategy, but what it meant for human beings when hatred was the operating principle, is very clear in those records.

There are another several million pages of documentation relating to forced and slave labor, both for the governments that were perpetrator governments and for companies and other organizations that utilized slave labor. There, too, there is a mix of both Jewish people who were taken to slave labor camps and non-Jews who were recruited into slave labor from countries across Europe. Is it possible to identify companies that used slave labor? Yes, it is. Can I tell you in detail what is there about each company? No. At this point in time, I can't.

The third major category of material is material from the displaced persons camps and material relating to the emigration of people after the war from Europe. And that is fascinating material. If I can give you just three examples.

A Jewish survivor arriving at a displaced persons camp typically would respond to a set of questions placed by allied authorities—including U.S. Army authorities—by writing 10 pages: Here is what happened to me, here is when I last saw my family, here is who was in my family, here is who brutalized me, here is what I saw someone do to someone else. That is one example.

Example two: Non-Jewish survivors, let us say East European survivors who saw their countries fall under communism. They, too, were trying to figure out what life was going to mean for them in that period and where they might go. They, too, wrote remarkable stories.

The third category is a little more troubling. Some people sought to abuse the displaced persons system. If you want to see how some of the war criminals who made their way to the United States after the war worked that system to obtain displaced persons status and the necessary visa to come here and give us some of the problems that we have suffered with because of them over the last 60 years, you can see that also at Bad Arolsen.

I will just share two particular stories in closing.

Most of us probably have seen the film *Schindler's List*. There is a Schindler's List at Bad Arolsen. What is it? It is the list that a prisoner who is on the list himself was forced to create to register those 700 men and 300 women that Schindler saved when they arrived at the camp of Brunnlitz after they were forced to evacuate the camp in Plaszow. You remember that moment in the movie.

Now, what is astonishing is not just the list itself but also the letter from the man who created it, who sent the list to Arolsen in the 1950s. He wrote:

"I kept a copy of the list as I wrote it. I knew that I was putting myself at risk of being shot by keeping this list. On the other hand, I knew that if any one of these thousand people disappeared, I would be shot for sure, because I was the keeper of the list. The risk to me, I calculated, was less keeping the list than not keeping it."

For anyone who thinks that even the most benevolent kind of treatment of victims during the Holocaust period was good in some fashion, think of that person. He was in a group of people that survived, but look at what he experienced and what he experienced afterwards.

Second, since I have mentioned the issue of war criminals, I will mention one that perhaps comes close to home with this Congress. Some of the members, Mr. Chairman, may recall that the first person actually denaturalized and deported from the United States for hiding his identity as a Fascist activist was, at the time that he was deported, the Romanian Archbishop of the United States. He had delivered the opening prayer at a session of Congress. If you look in the records at Arolsen, you will see how he hid his real identity, with help from certain organizations to obtain designation as a displaced person. Once he was a displaced person, he had a

ticket out of Europe, he evaded punishment. That man had set off a pogrom in Bucharest in 1941 that resulted in the death of hundreds of people.

I hope that I have answered your question. It is very diverse material but of immense importance for the kind of closure that Mr. Schaecter was speaking about and for scholarly understanding of what happened and what happens in a situation where bigotry and hatred take over.

Thank you, Mr. Chairman.

Mr. WEXLER. Thank you very much.

Mr. Schaecter and Mr. Rechter, if you wish—and if you don't care to, I certainly understand as well. But if there are any personal experiences that either you or someone you know has had in trying to obtain information and you wish to share with us, we would welcome the opportunity to hear it.

Mr. RECHTER. Thank you, Mr. Chairman.

Yes, there are several. I will relate several facts about your questions.

First of all as I mentioned previously, when, after my father was deported, I became in charge of the family—and I won't bother to go into all of the details, but they are really troublesome, and hunger was a constant companion. Naturally, as soon as the war was over, we were looking to see if our father was still alive and if he would still come back; and I went personally, wherever there were listings placed, I went and looked at the listings. And eventually we turned to the Red Cross, where we didn't get any answers until many, many years later when finally we were informed—we also queried the ITS, but we didn't get an answer from them—but the American Red Cross, we finally got an answer, which told us about his fate that he perished in 1943 in January.

You must understand those years of anguish, of not knowing where he was—as a child. I still was a child, although I was the breadwinner of the family, selling black market bread, clothes, whatever you could imagine. I was hoping against hope that maybe he had fled from Auschwitz, escaped the dread from Auschwitz and went to Russia, and maybe was somewhere in Siberia and therefore couldn't come back. The fact that it was not known to me whatever happened to him was really a psychological burden.

And I am not the only one. There are thousands and thousands of survivors in the same situation, you know, that never could get any answers. Some never got any answers. Some got only partial answers and some had to wait years for answers. They had aunts and uncles. And the same thing, I received finally one answer, that an aunt had fled to Paris and of course she was apprehended, and with a little girl of 5 years old. They were both killed in Auschwitz.

And that chapter was closed.

And I also knew that my father, soon after the Germans invaded Austria, that our family had to fill in lists of all of the assets, and we were told that we are not allowed to take these properties out of the house. And we had some paintings in the house. I have no idea whether they were valuable—could have been junk, I don't know. I have no idea. I was a child.

But I would like to see the list, if the list is in existence to get an answer. Is it in existence at Bad Arolsen? I would hope so. Not

because it is valuable or not. I just simply would like to know what my parents possessed at one point in time. On the other hand, if it has some sort of value, I would like to pass it on to my grandchildren.

Now, there are so many details that I could tell you about, but you must understand, you know, the value of finally knowing what happened and we can't understand and miss that information which really belongs to us. It is about our lives, the lives of our families, while this kind of information is being kept secret to protect some plunderers and murderers.

Thank you, Mr. Chairman.

Mr. WEXLER. Thank you. Mr. Sires of New Jersey.

Mr. SIRES. Thank you, Mr. Chairman.

I am very moved by this hearing, and I want to thank you. I can certainly understand about closure. And living through your pain is—it just moves me so much. And wanting your records, I can understand why it is so important, especially to bring some closure to some of you.

But it was only in May 2006 that they decided to open the records, the commission decided after all of these years.

Mr. SHAPIRO. That is correct.

Mr. SIRES. What about the years before that? I am not familiar. Can you just—

Mr. SHAPIRO. I have heard—thank you.

Mr. Sires, I have heard the question asked here, how could it be? How could it be? How could it be? And it is very hard to understand. I would say that in the most benevolent perspective, this was a case in which the 11 governments involved—and I am sorry to say it includes our own—and the Red Cross treated this remarkable collection of information with benign neglect. It was pressure from survivor groups in the 1990s, so quite late, that resulted in those 11 governments and the Red Cross making an oral commitment to open the Archives, which they did in 1998. But in fact there was no further action through the entire period of 1998 to 2006. There were annual announcements that the documents would be open, but no action.

It was, frankly, really the engagement of the United States Government and the engagement of the Holocaust Museum which made the difference. I am so pleased to be sitting here with representatives of survivors. We have such close relations with the survivors. It took a concentrated effort to raise the visibility of the ITS issue to the point where the other governments involved recognized that this was an issue that they had to pay some attention to. That is the short and sad answer.

The International Committee of the Red Cross was not helpful through most of the period. They refused, in fact, for a considerable period of time to provide information even about the contents of the Archives to the governments serving on the commission. That situation has now changed, and I would say that the Red Cross is working hard to actually assist us make the material available.

Mr. SIRES. Where do we go from here? How can we help?

Mr. SHAPIRO. As an organization that will receive copies of this documentation, we need the copies that are already made right away. It will take us time to organize them into a manageable form

so that we can respond to the inquiries of survivors and also allow scholars to work on it.

Mr. SIRE. There were 425,000 requests; is that what I read?

Mr. SHAPIRO. At one point in time there were 425,000 requests, so about a third of the material is digitized and could be transferred. The 11 governments haven't taken a formal decision to transfer that material to organizations like ours so that we can begin to work on it. That would be a first step. I am hopeful that at the May meeting that Mr. Kennedy referred to earlier today the 11 governments will agree to that immediate transfer. To actually open the material to the public, the standard is quite high. It is required that all of the 11 governments ratify the necessary amendments to the Bonn Accords.

There is an interim way to look at this. Very shortly, a majority of the governments will have ratified the amendments. And the question, I think, that sits on the table, and it is a question for Parliaments and for legislative bodies, is whether recognizing that ultimately they will move through the process of ratification, would they allow a provisional opening of the material and allow the ratifications to catch up later? The provisional application of treaties is not something that is unknown in international law or in international practice when all of the involved parties recognize a shared interest in the action.

Mr. SIRE. Do you feel that the Holocaust Museum has enough funding to carry out activities to allow people, researchers and survivors, to look at records if they get it?

Mr. SHAPIRO. This is not a project that is in our regular budget. On the other hand, we place a lot of credence in the public-private partnership that underpins the museum, and we are working very hard to try to raise private funds to accomplish this entire project. It is quite a daunting task.

Our estimate of costs over the next 5 years—and we are very focused on the coming 5 years because that is the period when we will have the greatest ability to help the survivors who are still with us—that estimate is about \$5 million. Not a simple matter.

On the other hand, the museum raises private funds for most of its programmatic activity, and we are hopeful we will raise it in this case, too.

Thank you for asking the question, sir.

Mr. SIRE. Well, you know—

Mr. RECHTER. May I comment? As you can see, we survivors are no longer a young people.

Mr. SIRE. You look great to me.

Mr. RECHTER. And time is going fast, much faster than we would like. And I think it is imperative that, at this point in time, all efforts should be made to insist that there be increased staffing in Bad Arolsen, wherever and whenever necessary, in order to complete the task as fast as possible—you know, the digitizing and the sorting of all of those records—because we won't be here much longer, and only we can fill in the gaps in some of the information that might be forthcoming.

Mr. SCHAECHTER. I would like to also leave you with this thought, that we know that you understand us. We know this. We can take the message home and tell it to the survivors that we represent.

I would also like our survivor family to—I would like to bring a message home and tell them that we will not be excluded, that the survivor family will be part of the findings and that this government and this commission here will see to it that we are not excluded, and that we take part in what happens and we will keep on coming and knocking on your doors, because we would like to see finality in this.

Mr. SIRES. Well, we certainly will do everything we can. And I just—it is beyond me that in 2007, some of these people are still pulling these shenanigans, and we cannot get real answers to some of the questions that are so hurtful to all of us.

And, you know, I am not Jewish. I am an American, but my wife is Jewish. I have been married to her for 22 years, and she was just here for the Holocaust Museum a few weeks ago. People go around crying.

Mr. WEXLER. Mr. Tanner.

Mr. SHAPIRO. Congressman, it is very difficult in these moments when you sit with people who have experienced what they have experienced. One can see in these records the daily movement and the daily experience of people like the people these wonderful gentlemen lost. I had the opportunity to visit Arolsen with three survivors, and it was an overwhelming experience. The survivors have a right to the documentation that is there.

Mr. SIRES. 30 years. My relationship with my wife, her parents are Russian Jews, and every time we go have dinner, we will sit down and talk. And I see what you mean.

Mr. RECHTER. May I add something? I would like to say also: One of the main problems why it has taken so long is because survivors throughout the entire process have not been consulted, or hardly ever consulted, and never been made part of a decision-making process, except some might now for talking purposes have been added for respective voices. So the emotional pressure, the psychological pressure was not there.

There was always—there was always a longing. There was always another purpose that came to us. And we came to the States. Most of us had no education, and we had lost our families. We had lost our family support. We had to struggle to make a living. We didn't know the language. So it took us quite a number of years until we were able to catch up. And I think we added our share, our contributions, including Chairman Lantos, who is also a survivor. And in every field you can see, Secretaries Kissinger and Albright, who are also Holocaust survivors.

So we participated in the American process. But yet comparatively, those on the lower echelon never were able to—those who had the greatest needs were never able to be made part of the decision-making process of the institutionalized organization.

And that is why I am here today. In the survivor community there is a lot of disappointment. There is a lot of bitterness. There is a lot of cynicism. And the general feeling is that we will never see justice for ourselves because they are all waiting for us to die, and we are just a cog in the history, and we are just being used. And there will never ever be any real justice for us. We will never get to know that released feeling. I believe—I hope otherwise, or otherwise I wouldn't have wasted my time to come here.

I hope you can make a difference. Thank you.

Mr. SIRES. Thank you.

Mr. WEXLER. Mr. Tanner of Tennessee.

Mr. TANNER. Thank you very much, Mr. Chairman.

And thank you, all of you, for coming here today. I know of no one who could listen to this without being moved, as Al said, and Jim Costa from California has joined us.

Just last night, my wife was the co-chair of the March of Dimes gala for children here—premature birth and so forth. And I sat for dinner at a table with a gentleman from Baltimore who lost both of his parents in a concentration camp. He was 7 years old at the time. He is now 70-whatever. And so it is pervasive throughout our society. You never know when you sit down with someone whether or not they have been personally affected.

And so I think this is not only timely, Mr. Chairman, I want to thank you, but as you know, we have marked up a bill in the full committee yesterday that we hope to put on the floor in April.

I was noticing when I was reading through the material that there is some criticism of some of the leadership—I didn't know this gentleman, Charles-Claude Biederman, who has been basically, as I understand it, removed. Has the new leadership been more responsive, Mr. Shapiro?

Mr. SHAPIRO. Thank you very much, Mr. Tanner.

The answer is yes. There is no question that through the period of 22 years when the former director was there, the on-site leadership was a big part of the problem. It was very difficult for governments, even the governments serving on the International Commission, to get accurate information, frankly to get any information, about what the full holdings of the archives of Bad Arolsen contain. It is only within the past year with the removal of that director and the advent of new leadership at ITS, it is only in the last year that we actually have a catalogue. It is not exactly the kind you would want to see, but it is a listing of the collections that are there. There are almost 19,000 separate collections of documentation, some of which have hundreds of thousands of pages in them, some of which have 20 pages in them. But at least we are getting a handle on the material that is there.

The museum is working hard right now to try to translate that index, which is only in German, into English, so that we can make it available to people who are interested. I am sure that will happen even before we have the material for people to actually look at, but it will enable people to make some judgment about what they might find there, what they won't find there.

Mr. TANNER. The other matter I wanted to ask you about is the—I am told the German Justice Minister Zypries has taken an interest in this matter. Is there some way we can help with that in terms of our communication, to encourage increased tempo, may I say, in where we are trying to go with this?

Mr. SHAPIRO. Minister Zypries had an absolutely critical role in changing the approach of the German Government to this whole issue about a year ago. Earlier, Mr. Kennedy described her coming to Washington. At her request, we organized a press conference at the museum where she announced the change in German government policy. She played an absolutely critical role.

She continues to play a central role. I have to say that during the 8 months or 9 months after that, the German Government has been fulfilling the commitments that it made then. We are working quite closely with them to bring on board some of the other governments who have had questions. That doesn't mean that on every single issue we are in exactly the same place. But Minister Zypries did, in effect, organize and lead the effort within her own government to change German policy, and that is no small deed.

She continues to follow the issue, even though her ministry is not the ministry most directly responsible. And her staff continues to follow it as well.

Mr. TANNER. Well, we want to encourage whomever and wherever we can to continue this.

I will speak—I chair the delegations of NATO, and most of the NATO countries are involved in this commission. And I will at the meeting in May speak with some of our Parliamentary colleagues in the NATO member countries about this matter.

Mr. SHAPIRO. Thank you very much. It is now definitely more in parliamentary hands than government hands.

Mr. TANNER. We will make sure that that is heard by our colleagues in Europe.

Thank you, Mr. Chairman.

Mr. WEXLER. Mr. Costa of California.

Mr. COSTA. Thank you very much, Mr. Chairman.

I add, with my colleagues, to thank the committee chair for conducting this hearing. I think it is, for a whole host of reasons, very important. I apologize that I wasn't able to hear your testimony, but we have your written testimony. And for the reasons that you submitted because of the Holocaust, because of the Armenian genocide, this weekend several of my colleagues are going to Sudan, to Darfur, to see firsthand the challenges of what has been accounted for, over 200,000 people who have been killed in genocidal action in the last 2 years.

I have simply one question, and I think you have kind of responded to it, but if you could be a little more direct.

What is the most important thing you believe that this committee could do to make this information available, to make this process work in a way that would respond to the—those who have survived, those who, as you indicated notwithstanding the apparent good health that you seem to be in, nonetheless feel that time is not on your side. What is the most important thing we can do? All three of you, quickly.

Mr. RECHTER. I think Mr. Shapiro has been in touch far more than me. As I mentioned before, our survivors have not been involved in the decision-making process. We have been involved in the complaining process for the last 10 to 15 years of this. But we didn't have the—we don't have the contact with the government, with the German Government or with any other government. And we were not in a position to exert any pressure because, unfortunately, I must admit that although we are now a nationwide organization, we are dispersed all over the United States, and we didn't have the political clout. And as I mentioned before, the Claims Conference, right after the war, favored the large organizations; 22 out of 24 organizations were non-survivors and they have the con-

tacts. They have the political clout. They received the money. They were designated the heirs. And they disposed of the funds as they wished, and they pursued aims that were not, obviously, in concurrence with our aims.

Mr. COSTA. So what would you like us to do?

Mr. RECHTER. We would like you to check into that with the Claims Conference which claims to represent the survivors, although they were never representing the survivors. It is not a democratic process.

Mr. COSTA. Would you put the mike there?

Mr. RECHTER. We would like you to look—I think the time has come that there should be an open accounting by the Claims Conference of what is—how much funds they are holding, what kinds of projects they are involved in, what their future plans are, because they speak—they speak on behalf of survivors. The Claims Conference speaks on behalf of survivors without any input by survivors. Even the few survivors—like I said, there are two survivor organizations among the 24 board members—even the two survivors are obviously being ignored or are in conflict with the other majority.

Now they have another board meeting coming up in July, and if there could be an indication by Congress that you are taking a look at what they are doing and whether they are truly representing the survivors, that would be helpful.

Mr. COSTA. Mr. Schaefer, same question.

Mr. SCHAEFER. We have been kept in the dark, Mr. Congressman. The Claims Conference does receive—wrests and controls all of the funds. If only half of what has been projected is true about their amassed billions of dollars in property and funds, I think that that would help and give some dignity to those survivors. If they would only agree to go ahead and pay restitution to the survivors so that they can go ahead and live out their lives with dignity. That is the thing that we keep on begging and asking the Congress and the Congress people that we know. We come here because you listen, and we are hopeful that somehow there is definitely needed a—not threatening them.

Mr. COSTA. I think we understand.

I was involved in a similar effort in the 1980s back in California. We tried to address the grievances of the Japanese Americans who had been relocated during World War II. So I believe there is precedent, both State and Federal.

Mr. Shapiro, same question.

Mr. SHAPIRO. First, I want to thank the committee for holding this hearing. There is no question that the spotlight of public scrutiny has moved this issue more than anything else over the past year. So I would encourage the committee to maintain a spotlight on this issue.

In very specific terms, I would hope that you could encourage the countries involved to support the immediate distribution of the digitized material that is already ready to be transferred. That includes all of the concentration camp material and the central name index of the people whose names appear in the records at Bad Arolsen. The decision will be made in May at a meeting of the International Commission.

Mr. COSTA. I think those are all good suggestions, and Mr. Chairman, I will certainly follow your lead as the subcommittee pursues this in the most constructive and creative ways we can.

Mr. WEXLER. I want to thank all three gentlemen. You have been extremely generous with your time. It may not seem like a great deal of people, to have six or seven Members of Congress appear and spend time in the subcommittee. But trust me, we get six or seven members at a subcommittee about once every 4 years. And that is a testament to the degree of seriousness and interests that the members of the subcommittee have.

And I also want to assure you that your thoughts and your ideas have not just been stated for the purposes of this record today. We are going to huddle as a subcommittee. I will take the lead, in concert with Mr. Hastings and with Mr. Kirk and with others who have shown great interest in this issue, and we will take this—the next step and the next step and the next step.

So I hope that this will be the first of many steps that we take in the very near future to follow through with your suggestions, both as to the records and the Archives, but also to the broader issues in terms of the distribution from the Claims Conference.

I thank you very much again for your patience and your kindness in being with us today.

The subcommittee is adjourned.

[Whereupon, at 3:20 p.m., the subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD



Botschaft
der Bundesrepublik Deutschland
Washington

EU 2007 DE

Washington, January 25, 2007

Klaus Scharloth

Ambassador of the Federal Republic of Germany

The Honorable
Alcee L. Hastings
The Honorable
Robert Wexler
U.S. House of Representatives
2353 Rayburn Building
Washington, DC 20515-0923

Dear Mr. Hastings and Mr. Waxler,

Thank you so much for your letter concerning the International Tracing Service in Bad Arolsen.

I couldn't agree more with you: It is very important that there be easier and faster access to the data of the archives in Bad Arolsen for survivors and scholars of the Holocaust.

That is why I have made it one of my priorities as German Ambassador to the United States to do everything possible to speed up this process. To this end, we are working very closely together with the U.S. Department of State and the U.S. Holocaust Memorial Museum. I am happy that – after years of sluggish negotiations – we achieved a breakthrough last summer, making it possible for each member state of the International Tracing Service to attain a digitalized copy of the data, which will be accessible to survivors and scholars under the relevant data protection laws of each individual country.

The process of ratification is already well underway. Once the last countries signed the amendment to the relevant treaties in the past weeks (Germany was among the first to sign last summer), we were able to start the ratification process, which began

this week. We are confident that we will be able to complete this process in the first half of 2007, the fastest track possible under German law for international treaties.

Germany is working closely together with the International Red Cross and the other 10 member countries of the International Tracing Service, as well as with survivors, scholars, and the relevant institutions, to expedite the digitalization of the files and make access as fast and easy as possible. My Embassy is in constant contact with experts within the U.S. Administration and the Holocaust Museum in Washington because we understand how important access is to survivors of the Holocaust and their families.

Every file in Bad Arolsen bears witness to the fate of those who were murdered. We remain committed to make these witnesses heard.

Sincerely yours,





EMBASSY
OF
BELGIUM

3330 GARFIELD STREET, N.W.
WASHINGTON, DC 20008

March 7, 2007

The Honorable
Robert Wexler
Chairman of the Europe Subcommittee
House Committee on Foreign Affairs
B-358 Rayburn House Off. Bldg.
Washington, D.C. 20515

Mr. Chairman:

I refer to your letter of February 1st, 2007, in which you and other Congressmen inquire about the status of ratification by my country of the amendments to the Bonn Accords.

First and foremost, I would like to assure you that the Belgian Government attaches the greatest importance to the plight of the survivors of the Holocaust and the access that is sought to the Archives of Bad Arolsen. Therefore my country has signed the additional protocol (containing the aforementioned amendments) to the Bonn Accords on October 30th, 2006.

With regard to the ratification procedure I would like to inform you of the fact that the Belgian Council of Ministers, after having approved it on February 16th, has sent the project of ratification act to the "Council of State" (Legislative section) for advice. This is a standard procedure in which the Council of State examines the technical and legal aspects of the presented texts of bills before their adoption by the Belgian legislature. After this advisory review the ratification act can then be adopted by the Belgian Legislature.

The Embassy of Belgium in Washington has consistently informed the Belgian Government of your concerns and I can assure you that the Minister of Foreign Affairs in Brussels is doing his utmost to facilitate a swift adoption of the ratification act of the amendments to the Bonn Accords, preferably before the dissolution of the Belgian Parliament in view of the June general elections.

Yours sincerely,

Dominique Struye de Swielande
Ambassador

*Ambassade de France
aux Etats-Unis*

*L' Ambassadeur
N° 467*

Washington, March 20, 2007

Dear Congressmen Hastings, Wexler and Kirk,

Thank you for the letter you and 40 of your House colleagues sent to me concerning the ratification of the protocol to the Bonn agreement permitting the opening of the Holocaust archives in Bad Arolsen, Germany.

France fully supports the swift opening of these archives, so that they may be freely consulted by the last remaining Holocaust survivors and researchers from all over the world.

That is why France initiated the Bonn protocol along with the United States and other countries. Immediately after the protocol was signed, the ratification process required by the French constitution got under way, but it was delayed by the electoral calendar. The National Assembly has adjourned until June, and unfortunately will not be able to consider this measure before the summer.

Nevertheless, on the occasion of the meeting of the countries that are party to the protocol on March 7 and 8 in The Hague, France supported the United States' proposal to use the delay in parliamentary ratification in several European countries to immediately initiate preparations for opening the archives.

I can assure you, Congressmen, that France will do everything in its power to ensure that the Bad Arolsen archives are opened swiftly, so that they may contribute to the indispensable effort of Holocaust remembrance.

Respectfully,



Jean-David Levitte



L'Ambasciatore

*Ambasciata d'Italia
Washington*

23 March, 2007

Dear Congressman Hastings,

I am writing in response to your letter of February 1, 2007, addressed to me and signed by many distinguished Congressmen. Please be assured that the Italian Government fully agrees on the importance of a prompt ratification of the Protocols to open the archives of the International Tracing Service in Bad Arolsen.

Italy has been a long time supporter of the opening of the ITS Archives, as this would contribute to providing very important information in the field of Holocaust research. In accordance with this position, Italy was among the first countries to undersign the 26 July 2006 Protocols in Berlin and is now actively engaged to set in motion the complex procedures for internal ratification.

In this regard, I wish to confirm our commitment to arrive at a swift ratification of the Protocols, counting on the shared awareness of the Italian Parliament on the important need to ensure access to the Holocaust documentation preserved at Bad Arolsen.

Please accept my warm regards,

*Yours
Giovanni Castellani*
Giovanni Castellani

Hon. Alcee L. Hastings
Member of the Congress
Congress of the United States
Washington, D.C. 20515



THE MINISTER FOR FOREIGN AFFAIRS

Athens, February 22, 2007
Ref. 513a

Dear Congressman Hastings,

Following your letter dated February 1st 2007, in regards to the ratification process of the amendments to the Bonn Accord, I wish to inform you that the issue is under active consideration by the relevant Greek authorities. Following this, we expect the whole ratification process to be completed in the near future.

Sincerely,

A handwritten signature in black ink, appearing to read "Dora Bakoyannis".

Dora Bakoyannis

The Honorable
Alcee L. Hastings
House of Representatives

